

striction of immigration—to the Committee on Immigration and Naturalization.

By Mr. STRUBLE: Petition of C. H. Strickland and 25 others, citizens of Woodbury County, Iowa, favoring speedy consideration of the bill creating a commission to inquire into the liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. TOWNSEND, of Pennsylvania: Petition of Union Alliance, No. 76, of Lawrence County, Pennsylvania; also, petition of 25 citizens of the same county and State, favorable to the antioption bill—to the Committee on Agriculture.

By Mr. TURNER, of Kansas: Petition of J. R. Burnett and others, for the passage of the pure-food bill—to the Committee on Agriculture.

By Mr. WHEELER, of Alabama: Petition on claim of Henry Patton (colored), of Lauderdale County, Alabama; also, of Thomas White, of same county and State; also, of George Jones; also, of Lewis Jones; also, of Caleb Jones, of Madison County, Alabama, for property taken by the United States Army during the late war—to the Committee on War Claims.

By Mr. WIKE: Petition of citizens of Jersey County, Illinois, in favor of option bill—to the Committee on Agriculture.

SENATE.

MONDAY, February 9, 1891.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Saturday last was read and approved.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives on Saturday last, were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 1870) granting an increase of pension to Maria L. Hammer;

A bill (H. R. 2996) granting a pension to Martha J. Spencer;

A bill (H. R. 3258) granting a pension to Hannah Cummins;

A bill (H. R. 4033) for the relief of Mrs. Agnes Findley Halsey, who served as nurse in the late war under the name of Miss Agnes Findley;

A bill (H. R. 4483) granting an increase of pension to Mrs. S. J. Rayner;

A bill (H. R. 4906) granting a pension to William C. Young;

A bill (H. R. 5199) granting a pension to Elizabeth Johnson;

A bill (H. R. 7233) granting a pension to Margaret M. Copeland;

A bill (H. R. 7813) to place the name of James H. Walton on the pension rolls;

A bill (H. R. 7832) granting a pension to Mrs. Isabella Ray McGunnigle;

A bill (H. R. 8913) increasing the pension of Mrs. Ruth M. Allen;

A bill (H. R. 9429) for the relief of Elizabeth Truax;

A bill (H. R. 9576) to increase the pension of Mrs. Mary Jane Malory;

A bill (H. R. 9876) granting a pension to Mrs. Agnes B. Collins;

A bill (H. R. 9921) granting a pension to William P. Holl;

A bill (H. R. 10323) to pension Frances E. Bidwell;

A bill (H. R. 10324) to increase the pension of Edward Jardine;

A bill (H. R. 10432) granting a pension to Nancy Shotwell;

A bill (H. R. 10483) granting a pension to Marcellus A. Stovall;

A bill (H. R. 10611) granting a pension to Mary Ellis;

A bill (H. R. 10683) granting a pension to Millie A. Ritenour;

A bill (H. R. 10865) granting a pension to Mary Swift;

A bill (H. R. 10874) to pension Mrs. Phoebe S. Curtis;

A bill (H. R. 11077) granting a pension to Sarah Hutchins;

A bill (H. R. 11118) to place the name of Ruth McAnnally on the pension roll;

A bill (H. R. 11215) granting a pension to Joel A. Holdren;

A bill (H. R. 11349) to grant a pension to Nancy F. Glenn;

A bill (H. R. 11454) increasing the pension of Erastus D. Butler, of Togus, Me.;

A bill (H. R. 11461) granting an increase of pension to Washington M. Rice;

A bill (H. R. 11926) granting a pension to Ira A. Stout;

A bill (H. R. 12009) to grant a pension to Martha Tennery, widow of James H. Tennery, of Captain Griffin's company, First Illinois, Black Hawk war;

A bill (H. R. 12071) granting a pension to Catherine McRoberts;

A bill (H. R. 12051) for the relief of Margaret Hitt, of Lincoln County, Missouri;

A bill (H. R. 12120) to increase the pension of Mary Condy Ringgold, widow of George H. Ringgold, lieutenant colonel and deputy paymaster general of the United States Army;

A bill (H. R. 12316) granting an increase of pension to Horace B. Seeley, captain Company K, Eighty-sixth Regiment New York Infantry Volunteers;

A bill (H. R. 12402) for the benefit of General W. J. Landram;

A bill (H. R. 12803) granting a pension to Alice O. Leighton, widow of Everett W. Leighton, deceased, Company C, Thirteenth New Hampshire Volunteers;

A bill (H. R. 12145) granting an increase of pension to Edwin H. Dill;

A bill (H. R. 12278) granting a pension to Marion McKibben;

A bill (H. R. 12457) granting an increase of pension to Thomas J. Polly;

A bill (H. R. 12325) granting a pension to Caroline J. Craft;

A bill (H. R. 12531) granting a pension to Walter Scott;

A bill (H. R. 12550) to grant a pension to Robert Moore, of Kirkwood, Ill.;

A bill (H. R. 12565) granting a pension to Mrs. Nancy Springer;

A bill (H. R. 12581) to increase the pension of Joseph Mason, of Dallas City, Ill.;

A bill (H. R. 12585) increasing pension of Lafayette Soper, of Morrisville, Vt.;

A bill (H. R. 12608) granting an increase of pension to Thomas T. Hickey;

A bill (H. R. 12628) granting a pension to Mrs. Edelyn Spalding, widow of Charles Spalding;

A bill (H. R. 12645) to place upon the pension rolls the name of Elizabeth Wolcott;

A bill (H. R. 12722) granting a pension to Elizabeth R. Lowry;

A bill (H. R. 12741) to increase the pension of Allen J. Maker;

A bill (H. R. 12757) granting a pension to Mary S. Day;

A bill (H. R. 12806) granting a pension to William D. Calkins, Company A, One hundred and eleventh Pennsylvania Volunteers;

A bill (H. R. 12826) granting a pension to Sarah A. Joiner;

A bill (H. R. 12864) granting a pension to Joseph Smith;

A bill (H. R. 12900) to increase the pension of Mrs. Elizabeth R. Gordon, widow of Maj. George A. Gordon, Fifth Cavalry;

A bill (H. R. 12902) to increase the pension of George W. Whitacre, of Huntington, Ind.;

A bill (H. R. 12973) granting a pension to Sarah Steedman;

A bill (H. R. 13030) granting a pension to Jennie May Cain;

A bill (H. R. 13038) to increase the pension of John E. A. Stephens;

A bill (H. R. 13041) increasing the pension of John Britton;

A bill (H. R. 13061) increasing the pension of Meridy Smith, a Revolutionary pensioner;

A bill (H. R. 13074) granting a pension to Emma Southwick Brinton;

A bill (H. R. 13082) granting a pension to Mary J. Allen;

A bill (H. R. 13095) granting a pension to George W. Jenkins;

A bill (H. R. 13111) to increase the pension of Abrose B. Carlton;

A bill (H. R. 13117) granting a pension to Mary J. Best;

A bill (H. R. 13138) to pension Mary B. Peck, widow of Maj. James S. Peck;

A bill (H. R. 13140) granting a pension to Hetty A. Hasson;

A bill (H. R. 13153) granting a pension to Mary Brooks, army nurse;

A bill (H. R. 13154) granting a pension to Mary Jane Fox, army nurse;

A bill (H. R. 13159) restoring the pension of Caroline Dawson;

A bill (H. R. 13173) granting an increase of pension to John D. Terry;

A bill (H. R. 13174) to grant a pension to Absalom M. Wolf, of Mier, Ind.;

A bill (H. R. 13200) to increase the pension of William M. Boggs;

A bill (H. R. 13205) to grant a pension to Mary E. Dubridge;

A bill (H. R. 13212) granting a pension to George James;

A bill (H. R. 13213) to pension Mrs. Adeline S. Wilbur;

A bill (H. R. 13242) granting a pension to Malinda Porter;

A bill (H. R. 13271) granting an increase of pension to Alonzo R. Hyatt;

A bill (H. R. 13295) granting a pension to Caroline A. Burghardt, an army nurse;

A bill (H. R. 13297) granting a pension to Martha A. Wood Furge-son, an army nurse;

A bill (H. R. 13298) granting a pension to Florence Petigrew Lith-grow, an army nurse;

A bill (H. R. 13299) granting a pension to Georgiana Smith, an army nurse;

A bill (H. R. 13300) granting an increase of pension to John F. Whipple;

A bill (H. R. 13307) to pension Morgan D. Lane;

A bill (H. R. 13329) granting a pension to Solomon Mayberry;

A bill (H. R. 13442) granting a pension to Mary C. Broughton;

A bill (H. R. 13337) granting a pension to Henry Allhorn;

A bill (H. R. 13459) granting a pension to Eveline Britton, mother of John Britton; and

A bill (H. R. 13471) granting a pension to Mrs. Elizabeth Mounts.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 1882) directing the Secretary of War to amend the record of Prentice Holmes and grant him an honorable discharge;

A bill (H. R. 6340) for the relief of John Zedeker;

A bill (H. R. 7466) to remove the charge of desertion against Alfred Rebsamen;

A bill (H. R. 8159) for the relief of John Tucker, late private Company F, Thirty-eighth Ohio Volunteers;

A bill (H. R. 9430) to remove the charge of desertion against George W. Hayner;

A bill (H. R. 12185) for the relief of William G. Tidwell;

A bill (H. R. 12906) for the relief of John McManus, late private of Company I, One hundred and sixteenth Regiment Pennsylvania Volunteers; and

A bill (H. R. 13284) to correct the military record of Jonathan Murphy, of Grant County, Indiana.

The bill (H. R. 4380) to correct the record of John Holloran, and for other purposes was read twice by its title and referred to the Committee on Naval Affairs.

The bill (H. R. 13066) granting a pension to Henry Sisson was read twice by its title.

The VICE PRESIDENT. The bill will be placed on the Calendar.

CREDENTIALS.

Mr. CASEY presented the credentials of Henry C. Hansbrough, chosen by the Legislature of North Dakota a Senator from that State for the term beginning March 4, 1891; which were read and ordered to be filed.

Mr. TURPIE presented the credentials of DANIEL W. VOORHEES, chosen by the Legislature of Indiana a Senator from that State for the term beginning March 4, 1891; which were read, as follows:

THE STATE OF INDIANA.

To all who shall see these presents, greeting:

Whereas the fifty-seventh regular session of the General Assembly of the State of Indiana did, on the 21st day of January, 1891, in joint convention declare the election of DANIEL W. VOORHEES as United States Senator for the State of Indiana for the term of six years from the 4th day of March, 1891:

Therefore, know ye, that, in the name and by the authority of the State aforesaid, I do hereby commission DANIEL W. VOORHEES United States Senator for the State of Indiana for the term of six years from the 4th day of March, 1891.

In witness whereof I have hereunto set my hand and caused to be affixed the seal of the State at the city of Indianapolis this 6th day of February, in the year of our Lord one thousand eight hundred and ninety-one, the seventy-fifth year of the State, and of the Independence of the United States the one hundred and fiftieth.

[SEAL.]

By the governor:

CLAUDE MATTHEWS, Secretary of State.

The VICE PRESIDENT. The credentials will be placed on file.

Mr. SHERMAN. The form of these credentials seems to be imperfect. It is a commission granted by the governor of the State of Indiana. There is no doubt historically of the election of Mr. VOORHEES to be Senator from Indiana, but the governor undertakes to commission him as a Senator. It seems to me that the proper form is not observed, and that attention ought to be called to it, so that the governor may have an opportunity to correct the form of his certificate. It ought to be a certificate of election.

Mr. HOAR. I understand that there are in some States of the Union, at any rate in one State, the State of California, and I presume that there are in others, existing statutes which make it the duty of the governor of the State to commission a duly elected Senator of the United States. I suppose no Senator on this floor entertains any constitutional theory which would lead him to believe that the authority of the Senator comes from the commission of the governor. It has never seemed to me that a compliance with such a statute of the State, the credentials containing otherwise a sufficient certificate that the person named had been duly chosen a Senator, was a matter which required any animadversion or criticism here. It is surplusage, or if not surplusage it is a phrase which is used by the eminent official using it in a little different sense from the ordinary one; and he means only to convey to the Senate the information that he intends to give the necessary and lawful and requisite certificate of the due election of the Senator by the Legislature.

I see, however, that these credentials (and I desire to call the attention of the Senator from Indiana to that fact) do not in terms affirm that Mr. VOORHEES has been duly elected. They only say that whereas on a certain day the Legislature of Indiana declared his election, therefore the governor certifies to it. The eighteenth section of the Revised Statutes of the United States is as follows:

It shall be the duty of the executive of the State from which any Senator has been chosen to certify his election under the law of the State to the President of the Senate of the United States.

As this is a matter which will not come up until the next Congress, I think the way is to let the credentials take the usual course, and if on the return of the Senator from Indiana [Mr. VOORHEES] it should seem to him on consultation with his colleague that it was desirable to get any other form of credential, he will procure it.

Mr. TURPIE. Mr. President, the certificate in this case is precisely like that which was filed a few days ago in the case of one of the Western States which recently chose a member of this body, especially in the use of the word "commission" instead of the word "certify" in the governor's certificate.

I do not think it at all necessary that a certificate of election should set out any of the facts of an election. The direction in the statute of the United States that the governor shall certify to the election is, it seems to me, the operative and effective part of the law.

What occurred before the election and before the certificate was issued are matters of contest or matters *aliunde* or matters of record outside of the certificate, which need not appear in it. In other words, the certificate of the governor in such a case is exactly the same as in any other, certifying to the election of a sheriff, a clerk, or other officer. In that the statute of the United States is precisely similar to the law of the State with respect to commissions issued by the governor.

The learned Senator from Massachusetts spoke of a statute in some of the States which authorized the governor to issue commissions to the persons chosen by the General Assembly to any office. We have a statute even wider than that, which authorizes the governor to issue commissions to officers chosen by the General Assembly and in all other cases that commissions are not directed to be issued by some other authority. So this commission is included in that law.

But I do not think it necessary to fortify the certificate I have offered by any comment upon what preceded the governor's certificate. All I wish to do is to call the attention of the Senate to the identity of the words "commission" and "certify." Commission, I find in Webster to be "a certificate issued by the highest authority, the President of the United States, or the governor of a State," and the verb commission is defined in the same manner. So I take it that in this certificate just read the word "commission" is to be taken in analogy and in accordance with the Federal statute upon that subject as equivalent to the word "certify." The word in the Federal statutes is "certify," and it is equivalent to the word "commission" or to a certificate issued by the governor. Therefore I think that in form this certificate is regular and that it ought to take the ordinary course. I do not desire a reference, especially as it is admitted on the floor that the historical verity of the fact shown is unquestioned.

The VICE PRESIDENT. The credentials will be duly recorded and filed, if there be no objection. The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House insisted upon its amendments to the bill (S. 3770) to incorporate the Washington and Arlington Railway Company of the District of Columbia, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GROUT, Mr. POST, and Mr. HEARD managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice President:

A bill (H. R. 17) to remove the charge of desertion from the record of Michael Murkell;

A bill (H. R. 1150) for the relief of Andrew Schneider;

A bill (H. R. 1423) to correct the military record of William E. Crouse;

A bill (H. R. 4899) for cancellation of contract with United States engineer for delivery of stone for the improvement of the mouth of the Columbia River in Oregon and Washington;

A bill (H. R. 6921) for the relief of Charles H. Kellen;

A bill (H. R. 6975) to provide for an additional associate justice of the supreme court of Arizona;

A bill (H. R. 9193) to give consent of Congress to the construction of a bridge over the Duck River, in Humphreys County, Tennessee;

A bill (H. R. 11391) for the construction and completion of suitable school buildings for Indian industrial schools in Wisconsin and other States;

A bill (H. R. 11587) for the relief of Duncan D. Cameron, late first lieutenant, Ninth United States Colored Troops;

A bill (H. R. 11766) to correct the military record of Marcellus Pettitt;

A bill (H. R. 12042) to authorize the construction of a tunnel under the waters of the bay of New York, between the town of Middletown, in the county of Richmond, and the town of New Utrecht, in the county of Kings, in the State of New York, and to establish the same as a post road; and

A bill (H. R. 12640) to pension Sarah Thomasson.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented the following resolutions of the Legislature of South Dakota; which were read:

Joint resolution.

Be it resolved by the house of representatives of the State of South Dakota (the Senate concurring):

Whereas the Indian outbreak within the limits of this State has assumed alarming proportions, endangering the property and lives of a portion of the inhabitants of this State; and

Whereas a failure to realize the full extent of the present danger can be productive only of peril to the soldiery and settlers upon the frontier, and of advantage to their enemies: Now, therefore,

Resolved, First, That it is the conviction of the Legislature of the State of South Dakota that the immediate and complete suppression of armed hostilities against the Government is of vastly greater importance at the present moment than a theoretical solution of the various causes that may have led to the present critical situation.

Second, That the case demands the most prompt and decisive action of the

executive and legislative departments of the Government of the United States and of our own State.

Third. That nothing short of the complete disarming of the Indians now engaged in hostilities can afford a proper solution of the present difficulties, and insure safety to the inhabitants of the country adjacent to the Indian reservation in the future.

Fourth. That national legislation should be promptly enacted prohibiting the selling of firearms or ammunition to the Indians under heavy penalties for the violation of such laws; and that appropriations should speedily be made by the National Government to reimburse settlers and other property-owners for the large amount of property that has been devastated by the hostile Indians.

Fifth. That in our opinion the number of troops at present upon the scene of hostility is entirely inadequate to the complete overpowering of the Indians now in arms.

That large numbers of national troops should be hastened to the scene of conflict with the least possible delay in order to prevent serious disaster and to insure the protection of the homes and hamlets in the vicinity of the outbreak, and that additional arms and ammunition should be supplied at once to the settlers upon the borders, and that the inhabitants of such settlements should organize local companies for mutual protection; and, lastly, that we can not urge too earnestly the necessity of immediate and thorough action upon the part of the General Government in order to prevent further bloodshed and devastation.

That copies of this resolution be transmitted to the President and Vice President of the United States, the Secretary of War, the Secretary of the Interior, and to the governor of this State.

Indorsed January 29, 1891.

STATE OF SOUTH DAKOTA, *Executive Office.*

A. C. MELLETT, Governor.

UNITED STATES OF AMERICA,

State of South Dakota, Secretary's Office.

I, A. O. Ringsrud, secretary of state of the State of South Dakota, do hereby certify that I have carefully compared the foregoing copy of house joint resolution relating to Indian affairs in the State of South Dakota with the original now on file in this office, and that the same is a correct transcript therefrom, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota, at Pierre, this 3d day of February, 1891.

[SEAL.]

A. O. RINGSRUD, *Secretary of State.*

Mr. HOAR. What is the date of those resolutions?

The Secretary read as follows:

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota, at Pierre, this 3d day of February, 1891.

Mr. DAWES. I move that the resolution be referred to the Committee on Indian Affairs.

Mr. HOAR. I desire to inquire if the date of the resolution appears anywhere on the paper. The certificate of the governor was read by the Secretary, stating that date, but not when the resolutions were adopted in the Legislature.

The VICE PRESIDENT. The date appears only upon the certificate of the governor. The Senator from Massachusetts [Mr. DAWES] moves that the resolutions be referred to the Committee on Indian Affairs.

The motion was agreed to.

The VICE PRESIDENT presented the following joint resolution adopted by the Legislature of South Dakota; which was read, and ordered to lie on the table:

A joint resolution memorializing the Congress of the United States.

The senate of the State of South Dakota, the house of representatives concurring therein, memorialize your honorable body to enact a law making the coinage of silver free and unlimited, and most respectfully ask that the issue of all moneys be made a full legal tender for all debts, public and private.

Indorsed February 3, 1891.

A. C. MELLETT, Governor.

UNITED STATES OF AMERICA,

State of South Dakota, Secretary's Office.

I, A. O. Ringsrud, secretary of state of the State of South Dakota, do hereby certify that I have carefully compared the foregoing copy of a joint resolution memorializing the Congress of the United States with the original now on file in this office, and that the same is a correct transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota, at Pierre, this 5th day of February, 1891.

[SEAL.]

A. O. RINGSRUD, *Secretary of State.*

The VICE PRESIDENT presented a petition of the president of the American Library Association, embodying resolutions of that association, praying for the passage of an international copyright law in the interest of common justice and national honesty; which was ordered to lie on the table.

He also presented a memorial of the president of the Papyrus Club, of Boston, Mass., a society of authors and artists, remonstrating against the adoption of any amendment to the copyright bill at this stage of its consideration, stating that if the bill is now passed and the principle of international copyright recognized by this country its benefits will be enjoyed at once, while any imperfections which may appear in practice can be corrected by future legislation; which was ordered to lie on the table.

He also presented the memorial of Francis A. Walker, of Boston, stating that those who are most deeply interested in art education of the people are most earnestly opposed to the proposed lithographic amendment to the copyright bill; which was ordered to lie on the table.

He also presented a memorial of the Heliotype Printing Company, of Boston, remonstrating against the proposed lithographic amendment to the copyright bill; which was ordered to lie on the table.

He also presented a memorial of the American Architect News and Building News, remonstrating against any amendment to the copyright bill, especially against the proposed lithographic amendment, as directly

opposed to the best interests of American art and architecture; which was ordered to lie on the table.

Mr. SHERMAN presented a petition of Goshen Grange, 513, Patrons of Husbandry, of Ohio, and a petition of the Farmers' Alliance of Olmstead, Ohio, praying for the passage of the Conger lard bill; which were ordered to lie on the table.

He also presented the following petitions, praying for the passage of a bill to restrict immigration; which were referred to the Select Committee on Immigration:

Petition of citizens of Mansfield, Ohio;

Petition of four local councils, Junior Order United American Mechanics, of Ohio; and

Petition of four local councils, Junior Order United American Mechanics, of Ohio.

Mr. CAMERON presented petitions of Councils, Junior Order United American Mechanics, Nos. 392, 157, 265, 408, 75, 243, 162, 108, 213, 133, 134, 441, 132, 150, 172, 260, 372, 252, 264, 527, 359, 351, 66, 182, 183, 325, 189, 365, 328, 63, 491, 169, 439, 62, 33, 503, 156, 419, 37, 48, 181, 504, 143, 489, 44, 166, 146, 277, 232, 72, and 540, of Noxen, Johnstown, Parnassus, Falls of Schuylkill, Irwin, Bellevue, Moyer, Williamsport, Philadelphia, Beaver Falls, Erie, Jenkintown, Birdsborough, Gallersburgh, Middletown, Pittsburgh, Allegheny, Etna, Ardmore, Richmond, Harrisburg, Winona, West Leisenring, Sligo, Madison, Stoners, Palo Alto, Marshfield Valley, Altoona, Sciota, Fairchance, Evans City, Reading, Indiana, Wooddale, Verona, Broad Ford, Greensburgh, Indian Head, Dawson, West Philadelphia, South Side, Pittsburgh, Mount Airy, North Sewickley, Steelton, Cherryville, and Allegheny City, in the State of Pennsylvania, praying for the passage of the bill to restrict immigration; which were referred to the Select Committee on Immigration.

Mr. HOAR presented a petition of citizens of Woburn, Mass., praying for the enactment of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of citizens of Worcester, Mass., praying for the enactment of the Torrey bankrupt bill; which was ordered to lie on the table.

Mr. EVARTS presented a petition of 74 Union ex-veterans of the State of New York, praying for the passage of the Senate bill 3146, to give veterans preference in appointment to and retention in the Government service; which was referred to the Committee on Civil Service and Retrenchment.

Mr. MANDERSON presented a petition of citizens of the States of Nebraska, praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of numerous citizens of the States of Nebraska and South Dakota, praying that the compensation of the agent of the Santee Indians now consolidated with the Poncas and Flandreau Sioux, be made at least \$1,600 per annum; which was referred to the Committee on Appropriations.

Mr. MANDERSON. I present a petition of the Board of Trade of Lincoln, Nebr., praying for the revision of the census and statistical legislation, having for its object the establishment of a permanent Census Bureau. I move that the petition be referred to the Committee on the Census.

The motion was agreed to.

Mr. MANDERSON. I present memorials of the house of representatives of Nebraska, remonstrating against the passage of the so-called Conger lard bill and in favor of the passage of the pure-food bill. As these memorials have already been printed in the RECORD that action need not be taken. I move that they lie on the table.

The motion was agreed to.

Mr. QUAY presented petitions of councils Junior Order United American Mechanics Nos. 132, 169, 527, 359, 213, 33, 133, 134, 441, 503, 334, 456, 252, 62, 265, and 277, of Falls of Schuylkill, Indian Head, Allegheny, Reading, Gasford, Kecksburg, Pittsburgh, Greensburgh, South Side, North Sewickley, Sciota, Fairchance, Ardmore, and Broad Ford, in the State of Pennsylvania, praying for the passage of the bill to restrict immigration; which were referred to the Committee on Immigration.

He also presented a petition of the Shoe Exchange, Limited, of Philadelphia, Pa., praying for the speedy passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. DAVIS presented a memorial of the Board of Trade of Duluth, Minn., remonstrating against the free coinage of silver; which was ordered to lie on the table.

Mr. HALE presented petitions of 51 boards of trade and kindred commercial organizations in the United States, praying for a revision of the present census and statistical legislation, and for immediate provision for future enumerations by the establishment of a permanent Census Office; which were referred to the Committee on the Census.

Mr. CULLOM presented a petition of the Chicago (Ill.) Bar Association, praying for the passage of a bill for the relief of the United States Supreme Court; which was ordered to lie on the table.

He also presented a petition of citizens of East St. Louis, Ill., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of citizens of Randolph and Monroe Counties, Illinois, and a petition of Davis Union, No. 289, of Randolph County, Illinois, praying for the passage of the Conger lard bill; which were ordered to lie on the table.

He also presented a petition of members of District Assembly No. 637, Farmers' Mutual Benefit Association, of Illinois, and a petition of District Assemblies Nos. 215, 578, and 1811, Farmers' Mutual Benefit Association, of Illinois, praying for the passage of the Paddock pure-food bill; which were ordered to lie on the table.

Mr. REAGAN presented the memorial of Hon. H. D. McDonald and 24 other citizens of Paris, Tex., remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

He also presented the memorial of Eastwood & Co. and 22 other citizens of Hearn, Tex., remonstrating against the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of the Llano County (Texas) Farmers' Alliance, praying for the passage of the subtreasury bill; which was referred to the Committee on Finance.

Mr. VEST presented the following petitions, praying for the passage of the Torrey bankruptcy bill; which were ordered to lie on the table:

Petition of M. Greenwood, jr., and other citizens of St. Louis, Mo.;
Petition of Eli Townsend and other citizens of Fulton, Mo.; and
Petition of W. N. Randolph and others, of Charleston, Mo.

Mr. VEST also presented the petition of White Cloud Subunion, No. 1732, Farmers and Laborers' Union, of Jackson County, Missouri, praying for the free coinage of silver, the abolition of national banks, and for the passage of the subtreasury bill; which was referred to the Committee on Finance.

Mr. CARLISLE presented a petition of County Assembly No. 119, of Meade County, Kentucky, praying for the speedy passage of the Conger lard bill; which was ordered to lie on the table.

Mr. PLATT presented a petition of citizens of Enfield, Conn., praying that the "original-package" law be applied to the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. ALLISON presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of Robert W. Simpson and 23 other citizens of Boone County, Iowa;

Petition of members of the Franklin Farmers' Alliance, Linn County, Iowa; and

Petition of members of Farmers' Alliance No. 1884, of Boone County, Iowa;

Mr. ALLISON presented a petition of the Mitchell County Farmers' Alliance, of Iowa, praying for the speedy passage of the Conger lard bill and the Butterworth option bill; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of R. F. Downing and sundry other citizens of Pleasant Hill Alliance, No. 1081, Iowa, praying for the speedy passage of House bill 5353, defining options and futures, etc.; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of I. Wesley Brown, praying for law requiring contestants against claimants located on public lands to deposit with the receiver a sufficient sum to pay expenses of contest, to be paid to claimant in case contestant fails to establish title; which was referred to the Committee on Public Lands.

Mr. STOCKBRIDGE presented the following petitions, praying for the extension of the Wilson spirituous-liquor act so as to include oleomargarine; which were referred to the Committee on Agriculture and Forestry:

Petition of D. K. Charlin and other citizens of Bangor, Mich.;
Petition of E. W. Williams and other citizens of Breedsville, Mich.; and

Petition of S. G. Palmer and other citizens of Columbia, Mich.

Mr. COCKRELL presented the petition of Little & Becker, and sundry other firms of St. Louis, Mo., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented the following petitions, praying for the passage of the Paddock pure-food bill; which were ordered to lie on the table:

Petition of Farmers and Laborers' Union No. 1000, Oregon County, Missouri;

Petition of Farmers and Laborers' Union No. 2003, Webster County, Missouri; and

Petition of Farmers and Laborers' Union No. 1338, Madison County, Missouri.

Mr. COCKRELL presented the following petitions, praying for the passage of the Paddock pure-food bill, and remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table:

Memorial of Local Union No. 233 of the Farmers and Laborers' Union, of Gentry County, Missouri, containing 21 names;

Memorial of Local Union No. 2759 of the Farmers and Laborers' Union, of Scotland County, Missouri, containing 12 names;

Memorial of Local Union No. 1207 of the Farmers and Laborers' Union, of Dade County, Missouri, containing 22 names;

Memorial of Local Union No. 1314 of the Farmers and Laborers' Union, of Berry County, Missouri, containing 18 names;

Memorial of Local Union No. 2486 of the Farmers and Laborers' Union, of Cape Girardeau County, Missouri, containing 48 names;

Memorial of Local Union No. 2496 of the Farmers and Laborers' Union, of Lime County, Missouri, containing 21 names;

Memorial of Local Union No. 2794 of the Farmers and Laborers' Union, of Polk County, Missouri, containing 27 names;

Memorial of Local Union No. 2622 of the Farmers and Laborers' Union, of St. Clair County, Missouri, containing 80 names;

Memorial of Local Union No. 2903 of the Farmers and Laborers' Union, of Lafayette County, Missouri, containing 48 names;

Memorial of Local Union No. 2536 of the Farmers and Laborers' Union, of Manchester, St. Louis County, Missouri;

Memorial of Local Union No. 918 of the Farmers and Laborers' Union, of Randolph County, Missouri, containing 16 names;

Memorial of Local Union No. 439 of the Farmers and Laborers' Union, of Callaway County, Missouri, containing 23 names;

Memorial of Local Union No. 117 of the Farmers and Laborers' Union, of Jackson County, Missouri, containing 20 names;

Memorial of Local Union No. 2911 of the Farmers and Laborers' Union, of Lafayette County, Missouri, containing 17 names;

Memorial of the Local Union of the Farmers and Laborers' Union, of Perry County, Missouri, containing 22 names;

Memorial of Local Union No. 2670 of the Farmers and Laborers' Union, of Bee Ridge, Knox County, Missouri;

Memorial of Local Union No. 2003 of the Farmers and Laborers' Union, of Webster County, Missouri;

Memorial of Local Union No. 166 of the Farmers and Laborers' Union, of Roads, Carroll County, Missouri;

Memorial of Local Union No. 453 of the Farmers and Laborers' Union, of Marion County, Missouri;

Memorial of Local Union No. 1682 of the Farmers and Laborers' Union, of Madison County, Missouri;

Memorial of Local Union No. 749 of the Farmers and Laborers' Union, of West Hartford, Ralls County, Missouri; and

Memorial of Local Union No. 880 of the Farmers and Laborers' Union, of Peninsula, Cooper County, Missouri.

Mr. STANFORD presented the petition of the Chamber of Commerce of Eureka, Cal., praying for the passage of the Nicaragua Canal bill; which was ordered to lie on the table.

He also presented a petition of sundry merchants of San Francisco, Cal., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the passage of the shipping bill; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the publication of a monthly chart of the Pacific Ocean; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for an improvement in the form of government in Alaska; which was referred to the Committee on Territories.

Mr. PIERCE presented a petition of the board of county commissioners of Pierce County, North Dakota, praying for the passage of what is known as the Hansbrough bill appropriating \$500,000 for the purpose of purchasing seed wheat for the destitute farmers of North Dakota; which was referred to the Committee on Agriculture and Forestry.

Mr. WARREN presented the following resolution of the Legislature of Wyoming; which was read and referred to the Committee on the Judiciary:

[Enrolled joint resolution No. 8, house of representatives, State of Wyoming.]

A joint resolution memorializing Congress to extend the jurisdiction of the State courts over both civil and criminal causes arising on lands reserved by the United States, commonly known as Government reservations.

Be it resolved by the Legislature of the State of Wyoming, That the Congress of the United States of America be memorialized as follows:

Your memorialist, the first Legislature of the State of Wyoming, respectfully represents: That there are conflicting decisions in our supreme court as to the jurisdiction of our State courts, in both civil and criminal causes, arising on lands in this State, reserved by the United States, commonly known as "Government reservations," and that in many instances great injustice is thereby done. Your memorialist therefore prays that the subject herein presented may receive early attention, by the enactment of such laws as will afford adequate relief; and as in duty bound your memorialist will ever pray.

Resolved by the Legislature of the State of Wyoming, That an authenticated copy of this memorial and resolution be forwarded by the secretary of state to each Senator and to the Representative in Congress from this State, and they are hereby respectfully requested to present the same to the honorable the Senate and the honorable the House of Representatives of the United States of America in Congress assembled, and to urge necessary legislation in the premises.

WM. R. SCHNITZER,

President of the Senate,

O. P. KELLOGG,

Speaker of the House.

STATE OF WYOMING, OFFICE OF THE SECRETARY,

Cheyenne, Wyo., January 29, 1891.

I, Amos W. Barber, secretary of state of the State of Wyoming, do hereby certify that the annexed and foregoing is a true, full, and correct copy of enrolled joint resolution No. 8, house of representatives, as the same remains on file and of record in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State, the date first above written.

AMOS W. BARBER, Secretary of State.

Mr. WARREN presented the following joint resolution of the Legislature of Wyoming; which was read and referred to the Committee on Military Affairs:

[Enrolled joint resolution No. 7.]

Joint resolution and memorial to the Congress of the United States, praying for the establishment of a wagon road from Fort Washakie to the Yellowstone National Park.

Be it resolved by the Legislature of the State of Wyoming: The first Legislature of the State of Wyoming in session assembled respectfully represent to the President and Congress of the United States as follows:

That there exists a necessity for an established and well-maintained wagon road from Fort Washakie to the Yellowstone National Park, for the following reasons:

First. It is one of the most important and at the same time one of the most feasible pieces of work in the State of Wyoming or in the entire West.

Second. That such a road would not only make it possible to enter the National Park from the south and east, but it would furnish in its building and maintenance the best and most convenient route of National Park entrance from any southeastern direction.

Third. That, in addition to its great use and benefit to civil public generally, such a road would be of great benefit and service for the movement of troops and the transportation of military supplies in the event of any Indian outbreak.

Fourth. That the permanent establishment of such a Government highway would largely, if not entirely, allay through Central and Northwestern Wyoming the constant fears and dangers of Indian outbreaks, and would thus be one of the strongest inducements to what may be termed general Western immigration, as well as also giving assurance of protection to already formed settlements.

Fifth. That the proposed line of road passes through the haunts of the notorious horse thieves and general range of bandits of the Wind River Mountains, who have so long, as an organized band, been a source of annoyance, danger, and loss to the stock-growers of Wyoming, Idaho, Utah, and Montana, as well as to the Indians on the reservations; and that the road in question would have, as one of its results, the breaking-up of this mischievous robber band.

Sixth. That the proposed road would be the means of opening up and solidifying interstate commerce between the young and growing States of Wyoming, Idaho, and Montana, and would make it possible and practicable for tourists to travel over the entire Yellowstone National Park from north to south without going over the road or region twice.

Seventh. That the proposed road would pass through a country unexcelled for magnificent, grand, and picturesque scenery.

Your memorialists therefore pray that a wagon road be established from Fort Washakie to the Yellowstone National Park, and that an appropriation to pay for the laying out, establishing, and constructing of such a road be made. And your memorialists, as in duty bound, will ever pray.

Resolved. That his excellency the governor of the State of Wyoming be and is hereby authorized and requested to furnish the Senators and Representatives in Congress, of Wyoming, with certified copies of this joint resolution and memorial, to the end that they may bring this matter before Congress, and secure the road asked for.

WILLIAM R. SCHNITGER,
President of the Senate.

O. P. KELLOGG,
Speaker of the House.

AMOS W. BARBER,
Acting Governor.

Approved January 5, A. D. 1891.

STATE OF WYOMING, OFFICE OF THE SECRETARY,
Cheyenne, Wyo., January 23, 1891.

I do hereby certify that the annexed and foregoing is a true and correct copy of enrolled senate joint resolution No. 7, First Legislature, State of Wyoming, as the same remains on file and of record in this office.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State the date first above written.

[SEAL.]

AMOS W. BARBER,
Secretary of State.

Mr. WARREN presented a petition of the Minneapolis (Minn.) Board of Trade, praying for the early passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. PLUMB presented a petition of Miami Lodge, No. 1804, Farmers' Mutual Benefit Association, of Linn County, Kansas, praying for the passage of a bill proposing an amendment to the Constitution securing woman suffrage; which was ordered to lie on the table.

He also presented a petition of citizens of Lawrence, Kans., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of Encampment No. 24, Union Veteran Legion, of Salina, Kans., praying for the passage of a bill to insure preference in appointment, employment, and retention in the public service of the United States to veterans of the late war, known in the Senate as bill No. 3146 and in the House of Representatives as bill No. 8287; which was referred to the Committee on Civil Service and Retrenchment.

He also presented the petition of the Legislature of the State of Kansas, praying for the adoption of a system of irrigation and the appropriation of the sum of money necessary therefor; which was referred to the Select Committee on the Irrigation and Reclamation of Arid Lands.

He also presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of S. M. Ellinger and 16 other citizens of Brown County, Kansas;

Petition of James Wharry and 25 other citizens of Clark County, Kansas;

Petition of G. M. Bower and 31 other citizens of Johnson County, Kansas;

Petition of E. H. Smith and 36 other citizens of Reno County, Kansas; and

Petition of D. J. Barnett and other citizens of Decatur County, Kansas.

Mr. PLUMB also presented the following petitions, praying for the passage of the Paddock-pure food bill; which were ordered to lie on the table:

Petition of Farmers' Alliance and Industrial Union No. 1982, of Osborne County, Kansas;

Petition of Farmers' Alliance and Industrial Union No. 363, of Neosho County, Kansas;

Petition of Farmers' Alliance and Industrial Union No. 161, of Cowley County, Kansas;

Petition of Farmers' Alliance and Industrial Union No. 449, of Jackson County, Kansas;

Petition of Farmers' Alliance and Industrial Union No. 250, of Elk County, Kansas;

Petition of Washington Alliance, No. 720, of the State of Kansas;

Petition of Farmers' Alliance and Industrial Union No. 2267, of Wabaunsee County, Kansas;

Petition of Farmers' Alliance and Industrial Union No. 338, of Kingman County, Kansas;

Petition of citizens of Montgomery County, Kansas;

Petition of Farmers' Alliance and Industrial Union No. 169, of Jefferson County, Kansas;

Petition of Farmers' Alliance and Industrial Union No. 1994, of Pottawatomie County, Kansas;

Petition of Farmers' Alliance and Industrial Union No. 134, of Sumner County, Kansas;

Petition of Farmers' Alliance and Industrial Union No. 2237, of Geary County, Kansas;

Petition of Farmers' Alliance and Industrial Union No. 2343, of Montgomery County, Kansas; and

Petition of Farmers' Alliance and Industrial Union No. 2204, of Phillips County, Kansas.

Mr. PLUMB also presented the following memorials, remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table:

Memorial of G. R. Steele and other citizens of the State of Kansas;

Memorial of C. B. Carson and other citizens of Guelph, Kansas;

Memorial of A. Bryan and other citizens of Dexter County, Kansas; and

Memorial of O. R. Latter and other citizens of the State of Kansas.

REPORTS OF COMMITTEES.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4500) granting a pension to Martha Allen;

A bill (S. 4714) granting a pension to Edward L. Sharpe; and

A bill (S. 4502) granting a pension to Laura A. Burns.

Mr. STANFORD, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by Mr. HARRIS on the 5th of February, intended to be proposed to the sundry civil appropriation bill, reported it favorably, and moved its reference to the Committee on Appropriations; which was agreed to.

Mr. CHANDLER, from the Committee on Immigration, to whom the subject was referred, submitted a report accompanied by a bill (S. 5035) in amendment of the various acts relative to immigration and the importation of aliens under contract or agreement to perform labor; which was read twice by its title.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 4976) to confirm certain entries made upon the Osage trust and diminished reserve lands, and for other purposes, reported it with an amendment.

Mr. PLUMB. I am also directed by the Committee on Public Lands, to whom was referred the bill (S. 588) authorizing and directing the Secretary of the Interior to examine certain claims of persons who owned or occupied buildings on the Hot Springs Mountain reservation, which had been condemned by the Hot Springs Commission and afterwards burned, and to fix a reasonable value for each of said buildings from the evidence now on file in the Interior Department, to ask to be discharged from its further consideration and recommend that it be referred to the Committee on Claims.

This bill was originally referred to that committee, but on the 28th day of May, 1890, the committee was discharged, and the bill was referred to the Committee on Public Lands. Subsequent to that time, however, while the Committee on Public Lands were considering the matter, the Committee on Claims took up a part of the subject-matter of this bill No. 588, made a favorable report upon it, and a bill for the payment of one of the claimants was passed by the Senate and subsequently by the other House and signed by the President. The Committee on Claims have thereby, as I think, confessed that they had jurisdiction of it, and they certainly have established a principle in regard to the matter which the Committee on Public Lands have hesitated to establish; and I think that they ought to have the entire subject-matter under their control. Therefore, at the request of the committee I ask that the bill may go to the Committee on Claims.

The report was agreed to.

Mr. SAWYER, from the Committee on Post Offices and Post Roads,

to whom was referred the bill (S. 4964) to authorize the appointment of an assistant superintendent of free delivery in the Post-Office Department, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2338) for the relief of James S. Johnson, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred an amendment submitted by Mr. CASEY on February 6, intended to be proposed to the Indian appropriation bill, reported it favorably, and moved its reference to the Committee on Appropriations; which was agreed to.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 2645) to amend section 3709 of the Revised Statutes of the United States, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4833) to provide for beginning the construction of a military post at or near Essex Junction, or Swanton Junction, Vt., reported it without amendment, and submitted a report thereon.

Mr. MANDERSON, from the Committee on Indian Affairs, to whom was referred the bill (S. 4894) to prevent the sale of firearms and ammunition to Indians, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 4698) to prohibit the sale of firearms and ammunition to the Indians residing upon reservations, reported adversely thereon; and the bill was postponed indefinitely.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 12148) providing for a board to examine and report as to the physical condition of William C. Spencer at the time of his resignation from the Army, reported it without amendment, and submitted a report thereon.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 8628) for the erection of a public building at Richmond, Ky., reported it without amendment.

Mr. SAWYER, from the Committee on Post Offices and Post Roads, to whom was referred the amendment submitted by himself January 31, intended to be proposed to the deficiency appropriation bill, reported it favorably, and submitted a report thereon.

The proposed amendment was referred to the Committee on Appropriations, and ordered to be printed.

Mr. EDMUNDS. From the Committee on the Judiciary I report an amendment intended to be proposed to the sundry civil bill, together with a letter from the Attorney-General, inclosing a communication from the judge of Alaska and the governor on the subject of some matters there, which I move may be printed and referred to the Committee on Appropriations.

The motion was agreed to.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, reported two amendments intended to be proposed to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4980) to enlarge the United States courthouse and post-office building at Birmingham, Ala., and to appropriate money therefor, reported it without amendment.

Mr. WASHBURN, from the Committee on Commerce, to whom was referred the bill (S. 5000) to authorize the construction of a bridge across the St. Louis River between the States of Wisconsin and Minnesota, reported it with amendments.

MARITIME CANAL COMPANY OF NICARAGUA.

Mr. MANDERSON. From the Committee on Printing I report back favorably a concurrent resolution from the House of Representatives, and I ask for its present consideration.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring therein), That there be printed in pamphlet form, with cover, 15,000 extra copies of the report of the Committee on Foreign Relations in support of Senate bill 4527, to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," of which 5,000 shall be for the use of the Senate and 10,000 for the House of Representatives.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution.

Mr. VEST. Does that mean the first report or the second?

Mr. MANDERSON. It means the last report, of which the usual number has been printed.

Mr. VEST. Then it is what is called the supplementary report. It is the larger report.

Mr. MANDERSON. Yes, it is the larger report.

Mr. VEST. All right.

The resolution was agreed to.

PRINTING AND DISTRIBUTION OF DOCUMENTS.

Mr. MANDERSON. From the Committee on Printing I report a concurrent resolution, which I ask be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring therein), That the Committee on Public Printing, with three members of the present Congress who are re-elected to the next Congress, to be appointed by the Speaker of the House of Representatives, or any subcommittee of said special joint committee, are hereby instructed to examine into the numbers printed of the various documents, reports, bills, and other papers published by order of Congress, or of either House thereof, and of the CONGRESSIONAL RECORD, and to report a bill in December next, making such reductions in the numbers and cost of printing, and such changes and reduction in the distribution of said publications as they may deem expedient, with a report giving their reasons therefor; and that the said committee is also instructed to investigate the printing and binding for the Executive Departments, executed at the Government Printing Office and at the branch printing offices and binderies in the various Departments, and report a bill in December next making such reductions in expenses and imposing such checks as they may deem expedient, with a report giving their reasons therefor; and said committee is further instructed to make any other investigation calculated in their opinion to reduce the cost of the public printing, and report the result thereof; and the said committee is hereby authorized to employ a stenographer, to summon and to examine experts and witnesses and to call upon the heads of Executive Departments and the Public Printer for such information regarding the preceding matters as they may desire, and any expenses necessarily incurred in making the investigations aforesaid shall be defrayed from the contingent fund of the Senate upon vouchers approved by the chairman of the Committee on Printing.

Mr. SHERMAN. I wish to inquire from the Senator from Nebraska whether the resolution is now broad enough to authorize the Committee on Printing to examine into the expediency of editing the CONGRESSIONAL RECORD with a view to prevent the duplication of a great many documents which are published in the RECORD. I hope that that very necessary reform may be considered by the committee, and if the resolution is not broad enough I will move an amendment.

Mr. MANDERSON. I doubt somewhat whether the matter referred to by the Senator from Ohio could properly be considered under the terms of the resolution. His proposition, as I understand it, is that there should be some method of editing the CONGRESSIONAL RECORD.

Mr. SHERMAN. So as to prevent the duplication of documents.

Mr. MANDERSON. I think myself that that is a proper subject of inquiry, and if after the resolution is reported back by the Committee to Audit and Control the Contingent Expenses of the Senate it should be deemed advisable to make that change it can very readily be made.

Mr. SHERMAN. I ask that the resolution be printed now and referred to the Committee on Contingent Expenses, and in the mean time I shall look at it.

The VICE PRESIDENT. The resolution will be printed and referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 5036) for the relief of Henry L. Morey; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. BERRY introduced a bill (S. 5037) to authorize the building of a railroad bridge at Little Rock, Ark.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CULLOM introduced a bill (S. 5038) to increase the salaries of local appraisers of merchandise at certain ports; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

He also introduced a bill (S. 5039) to authorize the appointment of an assistant appraiser for the port of Chicago; which was read twice by its title, and referred to the Committee on Finance.

Mr. HALE introduced a bill (S. 5040) to authorize the owners or claimants of the schooner Grace Gower, of Sedgwick, Me., to bring a suit against the United States; which was read twice by its title, and referred to the Committee on Claims.

Mr. HARRIS introduced a bill (S. 5041) for the relief of the First Methodist Church in the city of Jackson, Tenn.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. HIGGINS (by request) introduced a bill (S. 5042) to pay for extra services in water department, District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WASHBURN submitted an amendment intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. REAGAN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill, providing appropriations for the completion of a twelve-company military post at San Antonio, Tex., and for a twelve-company post at El Paso, Tex.; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CALL submitted two amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Census, and ordered to be printed.

Mr. HIGGINS submitted an amendment intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

EXPORTATIONS TO BRAZIL.

Mr. CARLISLE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be, and he is hereby, requested, if not incompatible with the public interests, to transmit to the Senate copies of the letter of the Secretary of State to the minister from the United States of Brazil dated November 3, 1890, the letter from said minister in reply thereto dated January 31, 1891, the response of the Secretary of State thereto, dated January 31, 1891, the proclamation of the President dated February 5, 1891, together with all tables and statistics referred to in said letters, or any of them, and translations of the recent laws of the United States of Brazil in relation to the importation of certain products of the United States into that country.

ROGUE RIVER INDIANS OF OREGON.

Mr. MITCHELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to transmit to the Senate a copy of an agreement consummated with the Rogue River Indians in the State of Oregon in the year 1851, for a cession by said Indians of a portion of their reservation lying south of Rogue River, in said State, which agreement was not finally ratified by the Senate.

PUBLIC BUILDING AT LAREDO, TEX.

Mr. VEST. I move that the bill (S. 3854) for the erection of a public building at Laredo, Tex., which I reported on January 12 last with amendment, be recommitted to the Committee on Public Buildings and Grounds.

The motion was agreed to.

ABSENTEE LISTS.

Mr. CULLOM. Mr. President, I rise to what I suppose is a privileged question. As is usual in making up the record of the proceedings of the Senate, those who are not voting are recorded as absent, making no distinction between those who are actually absent and those who are present and paired. It seems to me that that is not stating exactly the truth. Take my own case, for instance, on Saturday. I was present and announced my pair at every vote, which of course the RECORD shows in connection with the votes; but at the same time when the votes are given those not actually voting are recorded as "absent." It seems to me that the RECORD ought to be so changed as to state those who are not voting as "absent or paired," so as to tell the truth about it.

Mr. HOAR. I should like to ask the Senator if that would not involve the recording of an apparent violation of the rule of the Senate on every occasion? The rules of the Senate expressly require that every Senator present shall vote unless he be excused. Unless he is treated as absent he is to be included in the list of persons who violate the rules, if he be not excused from voting.

Mr. CULLOM. Even if that were necessary, it seems to me that it does injustice to those members who are present and paired when they are recorded on a roll-call as absent in making up the record of the vote.

Mr. CARLISLE. If the Senator will look at the proceedings at the other end of the Capitol he will observe in the RECORD that always the statement is simply "not voting."

Mr. CULLOM. I merely call the attention of the Senate to it, so that if it is not proper the RECORD may be changed so as to state the fact. I think it ought to be so changed, because we all know that many of us are paired on almost every vote with some one who is absent, and some of us are here and not voting who are paired with Senators absent from the city.

Mr. GORMAN. If the Senator will allow me, I will state that the form in which the RECORD is made up is by a specific order of the Senate. The Reporters only comply with an order made some years ago.

Mr. CULLOM. I am not complaining of the Reporters, because I have no doubt that they are following a precedent at least. I am unable to find any specific rule on the subject.

Mr. GORMAN. There was a resolution passed some years ago, and the Reporters follow the rule laid down by that resolution. The only way it can be corrected is by changing the order by a resolution.

Mr. CULLOM. I make the suggestion simply to call the attention of the Senate and the Committee on Rules to the question whether the RECORD should show that each person who has not voted is absent, while the fact is, whether the pair is announced or not, that some Senators are always paired as a matter of courtesy to absent Senators.

ADJUSTMENT OF ACCOUNTS UNDER EIGHT-HOUR LAW.

Mr. BLAIR. I call attention to the regular order.

The VICE PRESIDENT. The hour of 12 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business.

The CHIEF CLERK. A bill (H. R. 11120) providing for the adjustment of accounts of laborers, workmen, and mechanics, arising under the eight-hour law.

The VICE PRESIDENT. The pending question is on the motion made by the Senator from Tennessee [Mr. HARRIS] to lay the motion to reconsider, made by the Senator from New Hampshire [Mr. BLAIR], on the table.

Mr. BLAIR. Let us have order in the Chamber. I do not suppose the Senate is aware what is up.

The VICE PRESIDENT. The Senate will be in order. The Chair would remark that he makes repeated efforts to secure order on the floor of the Senate without success, and it is at times difficult for the Reporters or the Chair to hear Senators when they are making remarks. The Senator from New Hampshire will proceed.

Mr. BLAIR. I merely ask the presiding officer to please state the question once more.

The VICE PRESIDENT. The pending question is on the motion made by the Senator from Tennessee [Mr. HARRIS] to lay the motion to reconsider, made by the Senator from New Hampshire [Mr. BLAIR], on the table. Upon that question the yeas and nays have been demanded. Is the demand seconded?

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from South Dakota [Mr. PETTIGREW]. I do not know how he would vote, and I therefore withhold my vote.

Mr. WARREN (when Mr. CAREY's name was called). My colleague [Mr. CAREY] is paired with the Senator from Missouri [Mr. COCKRELL]. If present, my colleague would vote "nay."

Mr. CULLOM (when his name was called). I have a general pair with the Senator from Delaware [Mr. GRAY], who has been unavoidably called away. I should vote "nay" if I were at liberty to vote.

Mr. DAWES (when his name was called). The Senator from Georgia [Mr. COLQUITT] seems to be absent, and I therefore transfer my pair with him to the Senator from Rhode Island [Mr. ALDRICH]. I vote "nay."

Mr. DOLPH (when his name was called). I am paired with the senior Senator from Georgia [Mr. BROWN].

Mr. HISCOCK (after voting in the negative, when Mr. McCONNELL's name was called). I withdraw my vote. I am paired with the Senator from Idaho [Mr. McCONNELL].

Mr. McMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE], but understanding that he would vote "yea" I shall vote. I vote "yea."

Mr. SPOONER (when his name was called). I am paired generally with the Senator from Mississippi [Mr. WALTHALL]. I do not see him in the Chamber and therefore I am not at liberty to vote. If I were at liberty to vote, I should vote "nay."

Mr. GEORGE. My colleague [Mr. WALTHALL] would vote "yea" if he were present.

The roll call was concluded.

Mr. EUSTIS. I am paired with the Senator from Nebraska [Mr. PADDOK]. I am informed that he would vote "nay" on this question, and therefore I shall vote. I vote "nay."

Mr. GEORGE. I will state that my colleague [Mr. WALTHALL] is paired with the Senator from Wisconsin [Mr. SPOONER]. My colleague is necessarily absent, and if present would vote "yea" on this proposition.

Mr. ALLISON. I desire to state that my colleague [Mr. WILSON, of Iowa] is absent from the Chamber on account of sickness. If he were present, he would vote "nay."

Mr. DANIEL. I am paired with the Senator from Washington [Mr. SQUIRE]. If he were present, I should vote "nay."

Mr. COCKRELL (after having voted in the affirmative). The Senator from Ohio [Mr. PAYNE] is absent, unwell, to-day and unable to attend. I am paired with the Senator from Wyoming [Mr. CAREY]. When I voted I did not note the fact that the Senator from Wyoming had not returned, he being necessarily detained. I transfer my pair with that Senator to the Senator from Ohio [Mr. PAYNE]. The Senator from Ohio [Mr. PAYNE] would vote "yea" and the Senator from Wyoming [Mr. CAREY] would vote "nay." I leave my vote stand.

Mr. SHERMAN. My pair with my colleague [Mr. PAYNE] being transferred, I vote "yea."

Mr. CASEY. I am paired with the Senator from Florida [Mr. PASCO], but I transfer my pair with that Senator to the Senator from Idaho [Mr. SHOUP], and I vote "nay."

Mr. ALLEN. I wish to announce the pair of my colleague [Mr. SQUIRE] with the Senator from Virginia [Mr. DANIEL].

The result was announced—yeas 28, nays 31; as follows:

YEAS—28.

Allison,	Coke,	McMillan,	Sawyer,
Barbour,	Dixon,	Morgan,	Sherman,
Bate,	Edmunds,	Morrill,	Vest,
Berry,	Evarts,	Plumb,	Washburn,
Blackburn,	George,	Power,	Wolcott,
Cameron,	Hampton,	Pugh,	
Carlisle,	Harris,	Ransom,	
Cockrell,	Jones of Arkansas,	Reagan,	

NAYS—31.

Allen,	Faulkner,	Jones of Nevada,	Sanders,
Blair,	Frye,	Kenna,	Stanford,
Casey,	Gorman,	McPherson,	Stewart,
Chandler,	Hale,	Manderson,	Stockbridge,
Davis,	Hawley,	Mitchell,	Teller,
Dawes,	Higgins,	Pierce,	Turpie,
Eustis,	Hoar,	Platt,	Warren,
Farwell,	Ingalls,	Quay,	

ABSENT—23.

Aldrich,	Cullom,	McConnell,	Spooner,
Blodgett,	Daniel,	Moody,	Squire,
Brown,	Dolph,	Paddock,	Vance,
Butler,	Gibson,	Pasco,	Voorhees,
Call,	Gray,	Payne,	Walthall,
Carey,	Hearst,	Pettigrew,	Wilson of Iowa,
Colquitt,	Hiscock,	Shoup,	Wilson of Md.

So the motion to lay the motion to reconsider on the table was not agreed to.

The VICE PRESIDENT. The question recurs on the motion to reconsider made by the Senator from New Hampshire [Mr. BLAIR].

Mr. BLAIR. I wish to have the motion well understood.

The VICE PRESIDENT. The motion is to reconsider the vote by which the bill was recommitted to the Committee on Education and Labor.

Mr. BLAIR. Upon which the friends of the measure will vote "yea."

Mr. GORMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The Chair again calls the attention of Senators to the difficulty found during the last roll-call to correctly record the names of Senators responding. The Chair would suggest to Senators who desire to enter into conversation that they either retire from the Chamber or speak in a lower tone of voice. He also asks Senators who respond to their names to speak louder. The roll-call will proceed.

Mr. MORRILL. Is debate in order?

The VICE PRESIDENT. Debate is in order.

Mr. MORRILL. Mr. President, I desire to call the attention of the Senate to the gross inconsistencies of this measure as it now stands.

It is provided in the first section "that whoever, as a laborer, workman, or mechanic, has been employed by or on behalf of the Government of the United States since the 4th day of March, 1877, up to the 3d day of March, 1883, shall be paid for each eight hours he has been employed as for a full day's work;" and yet there is no appropriation in the bill. It is designedly constructed to conceal the fact of the large amount that is involved, and it is a fine Italian hand that will practice any such kind of game. I submit that it is not fair for the present Congress to make a bill that involves from five to ten million dollars without naming any sum whatever, nor is it fair to throw it over upon the next Congress, to be paid without having some amount stated on the face of the bill.

It seems that this is to be reported to the next Congress, and it is to be under the direction of the accounting officers of the Treasury Department. Now, how is it possible for the Treasury Department to ascertain these accounts? Necessarily it must be upon the parole testimony of each applicant himself; and I think it is, therefore, very defective in that respect. But it says that all sums after the readjustment of these accounts "shall be paid directly to the claimant or his legal representatives." It strikes me that it is very inconsistent for us to pass a bill of this kind requiring it to be reported at the next Congress and yet leaving the next Congress no power to reject or amend the report, but be forced by positive law to make an appropriation to pay the full amount whatever it may be.

Then I desire to call the attention of the Senate to one of the grossest inconsistencies that can possibly be conceived of in the last part of the section, where it is provided—

That this act shall not be operative whenever the proper accounting officers shall find that such laborer, workman, or mechanic performed such labor or service under any contract, express or implied, and has been paid therefor the amount agreed upon.

Now comes a nullification of this provision:

But no agreement shall be within this proviso, either as to price or time, which was exacted by any Government officer as a condition of employment or retention in the public service.

That amounts to this, that if a workman came and was informed that he could work for 50 cents an hour and complied with that condition, then that would be an agreement in relation to price or time. That is the very gist of this whole amendment. If he had made an agreement that he would not drink lager beer while at work, that might be included, and amount to an objection. It operates of course to nullify all this provision in relation to any contract where they work by the piece, as they do in many of the armories, or by any agreement.

But, Mr. President, I only desired to call attention to these gross inconsistencies in the bill, and I trust it may be defeated. It is at war with all the farming interests of the country, with all the interests of mechanics who work in country districts, or own their own shops, or do their own labor; and I think it is a very vicious example for us to set to the several States in relation to this eight-hour folly.

Mr. VEST. Mr. President, I want to say a single word in regard to the second section of the bill. The attention of the Senate has been called to it, and as a member of the Committee on Public Buildings and Grounds I want to ask the Senate if they deliberately propose to pass such legislation as this in full view of the consequences that must follow.

Under the second section of the bill it is in the power of any discontented laborer or mechanic to stop the entire sum that is due to any

contractor and to lock up that money in the Treasury for an indefinite period. It is the most defective legislation that I have seen in twelve years in either House of Congress. Anyone familiar with the construction of public buildings knows that at this session of Congress even we have authorized the expenditure already, in bills which have become laws by the signature of the President, of \$2,780,000. The probabilities are that there will be enacted at this session of Congress measures which will call for \$3,000,000 out of the public Treasury to contractors.

I repeat, any discontented laborer, any man discharged for drunkenness, for inattention to his duty, for gross dereliction, under this clause that we propose now deliberately to enact may serve a notice upon the proper accounting officer or the officer in charge of a public building and lock up every dollar that is due to that contractor for an indefinite period. There is no provision here for enforcing this lien. We simply create a lien which is an incumbrance upon the building or upon the amount due for the construction of the building, and there it stands, not a dollar to be paid out. The officer of the Government can say, "Why, here is a lien unadjusted, created by statute, and I do not propose to settle with you until that lien is removed."

I have never seen, and I repeat it deliberately, any legislation proposed here so crude and defective as this. It assumes that the contractor is in some sort at fault, and puts him under the control of any laborer who chooses to put this lien upon record.

Mr. CARLISLE. The Senator will observe the fact also that it prescribes no time within which notice shall be given.

Mr. VEST. Yes; as a matter of course. No time is prescribed, no way to enforce the lien, no tribunal in which the litigation can be had. So far as it reads here upon the face of it—I do not know what the intention is—the Government officer is to make the adjustment, but how he is to do it, when he is to do it, where he is to do it, no mortal man can tell.

Sir, whatever may be my opinion about the equities of this measure, I shall never put my vote on record for a thing which I believe to be so defective as this.

Mr. EDMUNDS. Mr. President, I wish to appeal to my honorable friend from New Hampshire, the chairman of the committee, not to oppose the recommitment of this bill in the hope, and so far as I am concerned in the belief, after the discussion which has taken place and the difficulties of the existing form into which we have put the bill have been brought to our attention, that that committee can, within forty-eight hours, reframe the bill, following the general line of the votes of the Senate as to the substance of what is to be accomplished and put it in a shape where it will clearly mean precisely what its friends wish it to mean, and where it will not mean what its opponents do not wish it to mean, if the two things can be harmonized, so that it will be a clear bill one way or the other, and then, it being reported, for one, I would agree to unanimous consent that it should take its present place and be promptly disposed of. Then we should have a bill that would not be a delusion to the laborers and that would not be an injustice to the contractor and would not be an embarrassment and a difficulty to the Treasury.

Mr. BLAIR. This is a motion to reconsider the vote by which the motion to recommit was carried. The condition of the committee and of the session is such that to recommit this bill will be its death without any sort of doubt. I know the situation well enough to be sure of that.

If the Senate desire to vote again upon the second section relating to liens, which was adopted late on Saturday afternoon, if the motion to reconsider the recommitment prevails then a motion to reconsider the vote by which the bill went to a third reading may be carried, thus placing the bill where it will be open to amendment. I will then move to reconsider the vote by which the second section was attached to the bill and let the Senate act on it. That will end this whole matter immediately, and it will leave the original measure stand which the Senate has discussed, that is, the first section, and then the Senate can pass it or not, as it sees fit.

The Senate should remember, however, that this is a House bill, which comes to us and we have amended it *in toto*: so that the whole measure must yet go into a conference committee. What may be agreed upon in conference nobody can tell. The conferees will be aware of the sentiment of the Senate with reference to the second section and it might disappear in the conference report, or the conference committee might not be able to report, and the Senate would be free of the matter. If it appeared in a conference report, the whole question would be open to the Senate again, and the Senate can accept or reject that conference report. So far as any appropriation is concerned, it becomes simply a bill for inquiry, to ascertain the balances alleged to be due to these people, and in future Congress will again have the question of appropriation presented, upon which they can discuss all the merits of the bill. I think, Mr. President, that I ought to insist on this motion.

Mr. EDMUNDS. Mr. President, the answer to my friend from New Hampshire, as far as I am concerned, is that his plan is impracticable, in my opinion. I suppose I am no more particular than anybody else in the Senate about the mere technicalities of arranging words in bills, but I should not wish, for one, to be a party to undertaking in the Senate

to frame this bill, adopting the principles on which it is intended to rest, in such a way as not to effectuate those principles carefully and justly for the laborer, for the United States, and for the contractor. I should want, if it were a matter to go to the Committee on the Judiciary, with the difficulties that surround this bill in its present state, to have the Committee on the Judiciary sit down quietly in their room, half a dozen gentlemen, and discuss it as we do measures in committee, so as to be sure that the language we used meant what we intended it to mean and did not mean something else.

Then, as to the suggestion of the Senator from New Hampshire that this is not the end of this bill, as it is a House bill and it can be got into conference and can be reformed, I think it is a suggestion that the Senate of the United States ought not, except in some amazingly extreme emergency, to listen to with—

Mr. BLAIR. I will ask the Senator why should we not send the bill to a conference committee and let them report the bill?

Mr. EDMUNDS. That is just what I was going to state, if the Senator will allow me.

Mr. BLAIR. I do not want a reproof upon a question of that kind, and I do not like to submit to it.

Mr. EDMUNDS. Mr. President, which of us has the floor, in the first place?

The VICE PRESIDENT. The Senator from Vermont [Mr. EDMUNDS] is entitled to the floor.

Mr. EDMUNDS. Well, Mr. President, if the Senator had possessed his soul in patience for a half minute he would have known that I neither intended any offense nor would have given any. I should have said, if I had not been interrupted against order, that the Senate should not listen with approval and ought not to agree to send a matter to the House of Representatives that we were sure, and everybody was satisfied, is a burlesque as it stands, impossible of execution, and working for evil instead of for good, in the expectation that in some conference between the two Houses it would be brought out right.

Mr. BLAIR. Will the Senator allow me to interrupt him strictly in order?

Mr. EDMUNDS. With pleasure.

Mr. BLAIR. I suggested before, in reply to the Senator's remark, that if this motion to reconsider prevailed so that we can get possession of the bill again, I would then move to reconsider, or any one else might move to reconsider, the vote by which the bill was passed to its third reading. Then the bill will be open to amendment, and then I will move to strike out the second section to test the sense of the Senate right here and now, leaving nothing in the bill but the first section.

Mr. EDMUNDS. Mr. President, my friend from New Hampshire has submitted some observations by way of inquiry to me that I had already replied to before he made them. I had pointed out, or tried to point out, that it appeared to me that a bill of this character in the shape in which it is could not be safely and well, with the best attention we could give to it here, with seventy people and the confusion and all that, be put into the shape that its own friends a year or two hence would say it ought to have been in. My point was that it required the careful consideration of the committee again.

Mr. HAWLEY. I am very glad to hear the Senator from Missouri [Mr. VEST] and the Senator from Vermont [Mr. EDMUNDS] confirming what I stated with something of hesitation on Saturday. I am extremely dissatisfied with this second section concerning liens. It is, as the Senator from Missouri said, in almost my own words, crude and imperfect, and it is not creditable to the Senate.

I voted to recommit this bill on Saturday in the hope that the Committee on Education and Labor would throw off these disagreeable features and bring us, as nearly as they could make it, a clean bill, and we would finish it in a short consideration this morning. But I find on looking over the votes on the bill that a majority of the Committee on Education and Labor voted against the whole thing; and I suppose that to be the secret of the unwillingness of the Senator from New Hampshire to have the bill recommitted to the committee. Therefore I am driven to another course of action in endeavoring to get this bill more nearly right, and now I am in favor not only of reconsidering the motion to recommit, but to reconsider the vote by which the bill was ordered to a third reading, and, if that should be done, I will move to substitute as simple a proposition as possible, simply repealing the statute of limitations as to these cases.

I have reasons for saying that the claimants will be satisfied with that, and can not the Government be satisfied with it? It will then go to the Court of Claims upon the existing statutes and the practice of the Departments. The men who claim under the eight-hour law say that they went along from year to year reasserting their claims for extra compensation and believing that Congress would relieve them, until the statute of limitations intervened. A large body of them say that they worked under an absolute promise of the Government that they should have this extra compensation, and I say that is true, and I will read a few remarks here, which have been read in this debate, but I do not think there were ten Senators in the Chamber at the time, and I do not believe there were three who heard the reading.

Mr. DAWES. Will the Senator allow me?

Mr. HAWLEY. I decline positively for the moment, just for the fun

of it. I want to see if I can go through with a few remarks without interruption. I will yield in a few moments. Mr. Thompson, who was then Secretary of the Navy, under date of March 28, 1878, issued the following circular:

The following is hereby substituted, to take effect from this date, for the circular of October 25, 1877, in relation to the working hours at the several navy yards and shore stations:

The working hours will be, from March 21 to September 21, from 7 a. m. to 6 p. m.—

That was a ten-hour day during the summer season—

from September 22 to March 20, from 7.40 a. m. to 4.30 p. m., with the usual intermission of one hour for dinner.

Which was a seven hour and fifty minute day, ten minutes short of an eight-hour day. For six months, therefore, they worked ten hours a day. Now, what does the Secretary proceed to say? He says:

The Department will contract for the labor of mechanics, foremen, leading men, and laborers on the basis of eight hours a day. All workmen electing to labor eight hours a day will receive a proportionate increase of their wages.

Mr. PLATT. Did they not?

Mr. HAWLEY. No, they did not. They absolutely deny that.

The commandants will notify the men employed, or to be employed, of these conditions, and they are at liberty to continue or accept employment under them or not.

Some representatives of these men say to me that they will be quite satisfied with a substitute for the whole bill that shall simply repeal the statute of limitations and leave them to their legal remedy.

Mr. EDMUNDS. Would they be willing to have the limitation extended for, say, three years?

Mr. HAWLEY. The Senator from Vermont asks me whether they would be willing to have the limitation extended three years hence, so that there would be at some time a limitation. I take it for granted, of course, that they would. They ask also as a part of that proposition that, in case the judgment should be against them, where the sum of \$3,000 is involved, they should have the right of appeal to the Supreme Court of the United States. There would be more than that sum involved, because the statute provides for a joinder of these several claims.

I shall vote to reconsider the recommittal and vote to reconsider the vote by which the bill was ordered to a third reading in the hope that the proposition I have suggested may get a chance.

Mr. DAWES. Does the Senator mean to limit that so that the accounting officers of the Treasury will be directed to pay these claims, or that each man may have the glorious privilege of commencing a suit in the Court of Claims?

Mr. HAWLEY. They are to go to the Court of Claims—that is their own proposition—with the repeal of the statute of limitations or an extension of the statute of limitations. Further than that they do not say. I suppose they take it for granted, and it is not unreasonable to do so, that if the court should give a judgment in their favor Congress will appropriate.

Mr. DAWES. What objection is there to removing the statute of limitations, as the Senator suggests, directing the accounting officers to readjust their accounts on that basis? Then the accounting officers will pay them.

Mr. EDMUNDS. Upon what basis?

Mr. DAWES. Upon the basis of eight hours as a day's work, and where they have worked more than eight hours they should have a corresponding increase.

There does not seem to me, if the Senator will allow me, the slightest occasion to impose upon these parties the burden of commencing a suit. If you direct the accounting officers to do this thing—it is all clerical work—you have an adjudication which, in Congress, has precisely the same legal force and effect as a judgment of the Court of Claims.

Mr. HALE. If the Senator will allow me, all that is needed is that, notwithstanding this bar of the statute, the accounting officers shall audit these claims and certify them to Congress. Then they will be put on an appropriation bill, as other claims are, and the claimants will not have, each one, to go to the expense or be subjected to the loss of time that would be necessary by going to the Court of Claims.

It seems to me the provision of the Senator, if applied generally to the action of the accounting officers, would then bring the matter to a head, and then the proper accounting officers would certify the claims as fast as they are audited, and they would be paid, with no delay in the Court of Claims. Congress never goes back of the Auditor. I should say the Senator's proposition is an eminently good one in favor of these honest claims. Let provision be made that the statute of limitations shall not apply as affecting the accounting officers of the Treasury, so that the claims can go right through. The accounting officers of the Treasury, under certain provisions annexed to an appropriation bill some years ago in relation to some claims, and perhaps to all, do not go back beyond the time the statute of limitations applied.

Mr. EDMUNDS. The difficulty with that proposition is, that I do not think there is any statute which prevents the accounting officers of the Treasury from considering these claims now, but they consider them according to the law that is in existence. That law is simply that eight hours shall constitute a day's work, without saying that for

that eight hours the laborer shall be paid \$3, or 8 cents, or eight anything; but leaving the laborer the privilege, that belongs to every citizen of the United States and every inhabitant of it, to sell his labor for the price that he is willing to take, unless he is a member of some of these so-called labor organizations, which tyrannize over him and will not allow him to get bread for his family unless he gets it at a certain price for a day's labor. It is the case, as I understand, according to the morning papers, in Chicago about the World's Fair buildings, and so on, that no citizen of the United States is to be allowed to labor there at all, unless he is a member of the labor union, as it is called, and that it will require the Army of the United States to allow any other citizen to have a day's work on those buildings.

The trouble, therefore, is not, I think, one with the accounting officers, but the trouble is with the law, if it be a trouble, and I do not think it is a trouble. I think the laboring man has as great an interest in keeping the faith of his contracts as any other man, if there be any other in the United States who is not a laborer, and I think it is a crime against liberty and against the posterity of the laboring people of this country—and they are nine-tenths of all the people—to undertake to regulate by law either the time or the wages of a grownup, intelligent man, supposed to be capable of taking care of himself.

So that, the law now being that every laborer, not an insane person or not having been coerced or acting under duress, or whatever, who has agreed to work ten hours for \$3, and has got his \$3, the accounting officers can not pay him for the reason that he has got all he agreed to take. If, on the other hand, he has labored without an agreement for more than eight hours and has not got the pay that belongs to him, on the theory of that statute the accounting officers would still settle with him, if they want to.

The proposition of the Senator from Connecticut, therefore, as it appears to me, comes nearer to furnishing the real justice that belongs to these people, or some of them, than any other; that is to say, that the United States will not stand when they enforce their rights in the courts, claiming to have been misled or cheated or deluded or otherwise brought into this arrangement against their real consent and have a judicial tribunal hear both parties all in a lump, if you like. Let as many join as you do in a creditor's bill of equity or whatever number choose to join, for the benefit of those suing and all others situated in like case; let them come in before the master and prove their claim and have it settled in that way, and then the United States will pay it.

The VICE PRESIDENT. The question is on the motion of the Senator from New Hampshire [Mr. BLAIR], on which the yeas and nays have been ordered.

Mr. BLAIR. There is a misunderstanding as to the motion. Will the Chair please state it?

The VICE PRESIDENT. The question is on the motion of the Senator from New Hampshire to reconsider the vote by which the bill was recommitted to the Committee on Education and Labor.

The Chief Clerk proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from South Dakota [Mr. PETTIGREW].

Mr. WARREN (when Mr. CAREY's name was called). My colleague [Mr. CAREY] has a general pair with the Senator from Missouri [Mr. COCKRELL], but that pair is transferred for the present to the Senator from Ohio [Mr. PAYNE], I understand.

Mr. COCKRELL (when his name was called). I am paired with the Senator from Wyoming [Mr. CAREY], who would vote "yea" if present. I transfer that pair to the Senator from Ohio [Mr. PAYNE], who is unwell and absent to-day, and I vote "nay."

Mr. CULLOM (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY]. If he were present, I should vote "yea."

Mr. HALE (when his name was called). I am paired with the Senator from Colorado [Mr. WOLCOTT], who has just been called from the Chamber. If at liberty to vote, I should vote "yea" and he would vote "nay."

Mr. McCONNELL (when his name was called). I am paired with the Senator from New York [Mr. HISCOCK]. If he were here, he would vote "nay" and I should vote "yea."

Mr. McMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE], but I am assured by his colleague that he would vote "nay" on this question if present, and I vote "nay."

Mr. SPOONER (when his name was called). I am paired generally with the Senator from Mississippi [Mr. WALTHALL], who is absent from the Chamber. If I were at liberty to vote, I should vote "yea."

Mr. TELLER (when his name was called). I am paired with the junior Senator from Kansas [Mr. PLUMB]. If he were present, I should vote "yea" and he would vote "nay."

The roll-call was concluded.

Mr. CHANDLER. I have a general pair with the junior Senator from New Jersey [Mr. BLODGETT] on political questions, with the right to vote to make a quorum. I am not paired with him on this question, and am at liberty to vote. I vote "yea."

Mr. CASEY. I have a general pair with the Senator from Florida [Mr. PASCO]. I transfer that pair to the Senator from Idaho [Mr. SHOUP], and I vote "yea."

Mr. EUSTIS. I am paired with the Senator from Nebraska [Mr. PADDOCK]. Understanding that he would vote "yea" if present, I vote "yea."

Mr. CALL. I wish to announce for the day the pair of my colleague [Mr. PASCO], who is necessarily detained from the Senate on important business, with the Senator from North Dakota [Mr. CASEY], but I understand it has been announced that that pair has been transferred on this vote.

Mr. GEORGE. My colleague [Mr. WALTHALL] is absent. He is paired with the Senator from Wisconsin [Mr. SPOONER]. If present, my colleague would vote "nay."

Mr. DOLPH. I announce my pair with the Senator from Georgia [Mr. BROWN].

Mr. MANDERSON. My colleague [Mr. PADDOCK] is unavoidably detained from the Chamber this morning. He is paired with the Senator from Louisiana [Mr. EUSTIS]. On this question my colleague would vote "yea" if present.

The result was announced—yeas 28, nays 29; as follows:

YEAS—28.

Allen,	Eustis,	Ingalls,	Quay,
Blair,	Farwell,	Kenna,	Sanders,
Casey,	Faulkner,	McPherson,	Stanford,
Chandler,	Frye,	Manderson,	Stewart,
Daniel,	Gorman,	Mitchell,	Stockbridge,
Davis,	Hawley,	Pierce,	Turpie,
Dawes,	Hoar,	Platt,	Warren.

NAYS—29.

Allison,	Coke,	Jones of Arkansas,	Sawyer,
Barbour,	Dixon,	McMillan,	Sherman,
Bate,	Edmunds,	Morgan,	Squire,
Berry,	Evarts,	Morrill,	Vest,
Blackburn,	George,	Power,	Washburn.
Cameron,	Hampton,	Pugh,	
Carlisle,	Harris,	Ransom,	
Cockrell,	Higgins,	Reagan,	

ABSENT—31.

Aldrich,	Dolph,	Moody,	Teller,
Blodgett,	Gibson,	Padlock,	Vance,
Brown,	Gray,	Pasco,	Voorhees,
Butler,	Hale,	Payne,	Walthall,
Call,	Hearst,	Pettigrew,	Wilson of Iowa,
Carey,	Hiscock,	Plumb,	Wilson of Md.,
Colquitt,	Jones of Nevada,	Shoup,	Wolcott,
Cullom,	McConnell,	Spooner,	

So the Senate refused to reconsider the vote by which the bill was referred to the Committee on Education and Labor.

The VICE PRESIDENT. The bill stands recommitted to the Committee on Education and Labor.

INTERNATIONAL COPYRIGHT.

Mr. PLATT. I move to take from the table for present consideration the bill (H. R. 10881) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights.

The VICE PRESIDENT. The question is on the motion of the Senator from Connecticut.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. PLATT. I ask that the bill may now be read.

The VICE PRESIDENT. The bill will be read.

The Secretary read the bill.

Mr. PLATT. In section 8, on page 8, line 7, the word "statute" is a typographical error, it should be "statue." I ask that the printed copy of the bill at the desk may be so changed. It is right in the manuscript bill.

The PRESIDING OFFICER (Mr. HALE in the chair). If there be no objection, that correction will be made in the printed copy of the bill.

Mr. PLATT. Mr. President, I do not wish to take the time of the Senate in any lengthy explanation of this bill. We have now waited fifty-three years for this moment, when an international copyright law could be enacted. Fifty-three years ago Henry Clay made a report which, in the estimation of thoughtful men, thoroughly demonstrated not only the expediency, but the duty of extending the right of copyright to foreigners, the passage of an international copyright law.

This bill is practically the bill which was passed by the Senate some two or three years ago, known as the Chace bill. It passed the Senate then with only 10 votes in the opposition, as I remember, on the yeas and nays. It does not differ in principle or material from the Chace bill, except in one particular, and that is it depends upon foreign countries adopting similar legislation. In other words, the last section of the bill is what may be called a reciprocity clause. It provides:

SEC. 13. That this act shall only apply to a citizen of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as its own citizens; or when such foreign state or nation permits to citizens of the United States of America copyright privileges substantially similar to those provided for in this act; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the grant of copyright, by the terms of which agreement the United States of America may at its pleasure become a party to such agreement. The existence of either of these conditions shall be determined by the opinion of the Attorney-General of the United States whenever an occasion for such a determination arises.

It differs in structure from the Chace bill in that the Chace bill suggests amendments to the existing statutes, whereas this bill recites the

existing statutes as they will be when amended, as practically proposed by the Chace bill, a better form of enactment.

As I said, there has been no departure in principle from the Chace bill. There may be in one or two instances a little change of language from the Chace bill, but not in principle. As that bill was so thoroughly discussed in the Senate and received so strong a support in the Senate I shall not, at this period of the session, with the important business which is to come, take the time of the Senate in discussing the bill.

I will simply say that the bill proceeds upon one broad fundamental principle, and that is that what a man fashions by his brain, his genius, his imagination, or his ingenuity, is property just as much as what he fashions by his hands or acquires by manual or other labor, and that being property, it should be property the world over and should be recognized as such. If an American writes a book, the right to publish that book should be recognized as property not only in this country, as it now is under the Constitution, but as property everywhere. If a citizen of another country writes a book, the right to publish that book should be as much property in this country as in his own country.

That is the broad principle on which this bill rests—the protection of property, for which governments are instituted. The principle has been applied in the case of patents, and not a little of the growth and prosperity of the country is due to the fact of the recognition by this Government that a foreigner who invents a new machine or discovers a new process shall be entitled to secure a patent for the same in this country.

The Constitution puts authors first in saying that Congress may secure to them exclusive rights; it puts them before inventors; but the legislation of the country has extended the provisions of the Constitution in the matter of inventions very much further than it has in the matter of authorship and those who come in under the generic term of authors.

I believe myself no measure before this Congress is so calculated to enhance not only the intellectual but the material growth of this country as this copyright bill, and I trust it will pass, and pass without amendment. As I said, we have waited fifty-three years for this opportunity, and this opportunity may be wholly lost by amendments in the Senate.

I do not know that I would say that this is a perfect bill, but it is a bill which has had long consideration by committees of the Senate and of the House of Representatives. It comes to us from the House, and now is our opportunity to obtain the passage of such a law. If there is anything in it which needs further examination, which would call for further legislation, the way for the people who desire international copyright to obtain it is to pass the bill while we have the opportunity to pass it, and establish the principle. Then, if it needs further application, we can trust to the future that justice will be done.

Mr. FRYE. Mr. President, the Senator from Connecticut rather appeals to the Senate not to amend this bill, and the friends of the bill very generally have expressed in strong terms the same desire. It was understood by them that I proposed to offer an amendment, and they have very earnestly undertaken to persuade me against it on the ground that it would hazard the passage of the bill.

Mr. President, I am in favor of a copyright bill and have been ever since I have been in Congress. I shall vote for this bill, whether it is amended or not; but I have always entertained the notion that any constituent of mine had a right to have presented to the Senate any petition respectful in its form, any bill, or any amendment to any pending bill, and that I, as a Senator, had no right to refuse a constituent in these directions. I can not consent, and I informed these gentlemen that I could not consent, to deprive any constituent of mine of that right which I believe belongs to him, whether it hazarded the final passage of the bill or not.

A good many bills are yet to pass the Senate and a good many are to go to conference by reason of the amendments placed upon them in the Senate. It is not possible that these bills are all to be lost because they go into conference. I presume there will not a bill of any special importance pass the Senate from this time to the end of the session that will not go into conference, and the result will be that all those bills would become laws, amended perhaps, by the action of a conference committee. So, while I make this statement, I do not feel that it is my duty to apologize to the publishers or the writers of these books for offering an amendment which my constituents earnestly desire shall be offered. Therefore, Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 3, line 23, after the word "book," insert "map, chart, dramatic or musical composition, engraving, cut, print, photograph, chromo, or lithograph;" so as to read:

Provided, That in the case of a book, map, chart, dramatic or musical composition, engraving, cut, print, photograph, chromo, or lithograph, the two copies of the same required to be delivered or deposited as above, etc.

In section 3, line 23, after the word "therefrom," insert "or from engravings, cuts, negatives, or drawings on stone made within the limits of the United States, or from transfers made therefrom;" so as to read:

The two copies of the same required to be delivered or deposited as above

shall be printed from type set within the limits of the United States or from plates made therefrom, or from engravings, cuts, negatives, or drawings on stone made within the limits of the United States, or from transfers made therefrom.

In section 3, line 28, after the word "book," insert "map, chart, dramatic or musical composition, engraving, chromo, or lithograph, cut, print, or photograph;" so as to read:

During the existence of such copyright the importation into the United States of any book, map, chart, dramatic or musical composition, engraving, chromo, or lithograph, cut, print, or photograph, so copyrighted, or any edition or editions thereof, or any plates of the same not made from type set within the limits of the United States, shall be, etc.

In section 3, line 29, after the word "set," insert "engravings, negatives, or drawings on stone made;" so as to read:

Or any plates of the same not made from type set, engravings, negatives, or drawings on stone made within the limits of the United States shall be, etc.

In section 3, line 35, after the word "book," insert "map, chart, dramatic or musical composition, engraving, cut, print, photograph, chromo, or lithograph;" so as to read:

And except in the case of persons purchasing for use and not for sale, who import not more than two copies of such book, map, chart, dramatic or musical composition, engraving, cut, print, photograph, chromo, or lithograph at any one time, in each of which cases the written consent of the proprietor of the copyright, signed in the presence of two witnesses, shall be furnished with each importation.

Mr. FRYE. Mr. President, of course an explanation is necessary as to this amendment.

On page 3 of the bill, beginning in line 23, there is the following proviso:

Provided, That in the case of a book the two copies of the same required to be delivered or deposited as above shall be printed from type set within the limits of the United States, or from plates made therefrom. During the existence of such copyright the importation into the United States of any book so copyrighted, or any edition or editions thereof, or any plates of the same not made from type set within the limits of the United States, shall be, and it is hereby prohibited except—

In certain specified cases.

In other words, the printers were fortunate enough to receive absolute protection in their business in the United States under this bill, but the lithographers, the photographers, and the plate engravers have no protection whatever. They are left at the mercy of the foreign nations with their cheap labor.

In the business of lithography alone there is an investment of \$18,000,000, which is carried on in two hundred and fifty-nine cities of the United States, and employs nearly 14,000 men and women. Yet, under this bill, they are left entirely at the mercy of Germany, which pays only one-third of the price paid for the same kind of work in the United States.

This amendment is for one sole, single purpose, and no other, and that is to afford to the lithographers, photographers, and plate-work men precisely the same protection that is afforded by the bill itself to the printers. I certainly can not myself see any reason why it should not be done.

Mr. HOAR. Is not the general law applicable?

Mr. FRYE. No more than it protects the printer.

Mr. HOAR. I know; but it applies.

Mr. FRYE. It applies, undoubtedly. I have a letter here from E. C. Allen & Co.'s publishing house in Augusta, Me., and I suppose it is a house that does the largest business of any house in the United States notwithstanding it is in the State of Maine. With the permission of the Senate I will read the letter:

AUGUSTA, ME., January 7, 1891.

Sir: Kindly allow me to express myself on the international copyright bill in connection with chromos and steel engravings. Chromos and steel engravings ought to be placed on the same basis as books.

In chromolithography the first requirement is a painting or drawing. The lithographic artist then makes certain drawings on lithographic stone. By printing from these stones or transfers made therefrom the original painting is more or less faithfully reproduced.

In steel engraving the first requirement is an original drawing or painting. The steel engraver, who is an artist, engraves the plate, as a portrait would be painted, by looking at the original while at work.

The copyright bill should be amended so as to require that chromos shall be printed in this country from lithographic drawings made in this country, or transfers therefrom. Steel engravings should be printed in this country from plates engraved in this country or steel electrotypes made therefrom. It might be well also to require that photographs shall be printed in this country, though the negatives must of necessity be made in various parts of the world.

If the copyright bill is amended in substance as above it will increase mightily a great industry in this country. If it passes without such an amendment it will impede progress and development, and to some extent destroy that industry.

If the bill passes without such amendment the result will be that every foreign chromo, steel engraving, photograph, etc., of any value whatever will be copyrighted, and the foreigner would have the advantage of the market here, for the reason that it will be years before we have in this country artists (for the original paintings and drawings from which the chromo, lithographic drawings, and engravings are copied must be made) who can compete with European artists in catering to the public taste either of the masses or the few. The foreigner's subjects being the best and most popular, the American publisher would largely be driven from the field or forced to go abroad.

Prang, who is practically a card publisher only, himself a genius, has by a struggle of a quarter of a century got in a position where he would be an exception as far as cards are concerned. But he has been unable to carry on the publishing of large, important pictures to any extent.

The book-publishers, the parents of this bill, saw but one thing evidently—books. I have no doubt but that in the present emergency they will by personal influence get certain lithographers to say that the bill without amendment would not injure their business. But that will simply be the natural outcome of earnest influence on one side, and thoughtlessness and a wish to oblige on the other.

The tariff would not much check importations of chromos, steel engravings, and photographs; manufacturing the same is much cheaper abroad. A part of my chromolithography is done in Berlin, Germany, and has been for years. I can import under the present tariff (10 per cent. more than former tariff) and I am doing so. Only January 2, 1891, I cabled my lithographers in Berlin to print 450,000 chromos for early shipment to this country. These were all pictures of fair size and importance. If this copyright bill becomes a law without amendment it is likely to drive my chromo and steel plate business to Berlin, and to give the foreigner the monopoly of the manufacturing of the lion's share of such business of all parties throughout the United States for many years.

Better have absolute free trade in chromos and engravings, and no copyright, than this proposed bill.

If we give the foreigner a copyright let him in return manufacture here. It would not be more than first-class houses could readily stand with profit and advantage enough.

The bill which passed the House of Representatives ought, in respect to chromos and steel engravings, to be called a bill to protect foreign chromo and engraving publishers, and to deliver to them the United States market as against our own citizens.

Is there any good reason why these pictures, which are found throughout America, in homes wherever books are found, and even where books are never purchased, should not be placed on the manufacturing basis of books, to be made in this country? No good reason can be given.

Two or three extensive book publishers who have lithographic departments connected with their business will tell you that they are chromolithographers, and that they are not afraid of the bill as it is, etc. They also say, "amend the bill next term of Congress," etc.

Their real reason is, they fear that if the bill is amended in the Senate it will not be reached by the House, and they would close their lithographic departments if necessary to attain what they desire on books. Yes, they would throw over the lithographing interests entire to the foreigner if necessary.

I only hope the bill may be amended and reached by the House.

Hon. WILLIAM P. FRYE,

United States Senate, Washington, D. C.

I have another letter from another important firm in my State, engaged very extensively in this kind of business. It is the firm of Vickery & Hill, at Augusta, Me., the publishers of the Fireside Visitor, Hearth and Home, Happy Hours, etc.—very extensive publishers:

We wrote you Saturday regarding the copyright act, and since then have received your communication of the 2d. We can only add that a further consideration of the bill, and a consultation with other extensive users of chromos confirms our opinion that the bill is a great injustice to American workmen and users of lithography. It is perfectly certain that the amendment is just and fair, and that it should be passed. It is also equally certain that unless it be incorporated into the bill now that future Houses are not likely to amend, although the monopolistic printing publishers say they will lend their aid in the future. For Heaven's sake what interest will they have when they get all the protection they want?

We do not often have occasion to ask personal favors of you; but in this case we do ask in justice and equity your personal assistance. There are probably 300,000 people interested in lithography here, and by some wonderful blindness they have failed to see how they are affected by this bill. It is not unnatural that it should be so; the literary bureaus of the publishing houses and their powerful lobby have harped on but one theme—the poor struggling author. The printers saw their position and were recognized, and we ask you from a political standpoint to look to these other printers.

We have cheerfully paid extra tariff on foreign goods to favor the principle we believe in—protection; but in this case you are carrying the principle of protection to such an extent that you are actually protecting the American home market against the American workman in favor of the foreigner. We write only facts, and a reading of the bill will prove it.

A beautiful engraving can be made in Germany for 50 cents (not counting first plate), add 23 per cent. duty—or whatever the McKinley duty now is—the price is about 65 cents in this country. This picture being copyrighted, the publisher puts out 1,000 and sells them at \$15 each. In this case the copyrighted design is the factor, and that every design will be copyrighted, on chance, admits of no denial. Who then is benefited? the artist, the American buyer, the American printer, or is it the foreign publisher?

Pass the bill if it seems right, we have no objection; but put the art printer and publisher on the same level as the common printer. This we ask, and this we urge.

I have simply to say, Mr. President, that the writers of those two letters know what they are talking about. They do an enormous business, a business so great that, to my utter amazement, the post office in the little city of Augusta, with about 8,000 inhabitants, I believe, is about the fourth or fifth post office in the United States to-day; all on account of the work carried on by these two large publishing houses.

Mr. McPHERSON. Mr. President, I am fully in sympathy with the amendments offered by the Senator from Maine [Mr. FRYE] to the copyright bill, and if I were to give an excellent reason for it I would simply repeat the statement made by the Senator from Connecticut [Mr. PLATT] when he rose in defense of the bill. If there is any reason whatever for the passage of the copyright bill, as it now appears before the Senate, there is the same reason why the bill should be amended in the manner proposed by the Senator from Maine.

The Senator from Connecticut states that fifty-three years ago the agitation of this copyright question began. I will admit that if a bill had been passed fifty-three years ago it would probably have contained the same provisions practically the bill now contains which the Senator from Connecticut is defending. But since that time there have been great improvements, great inventions made, until to-day we have very many other things as much entitled to protection as books, and there are many other things that require the same measure of protection that the bill affords to book publishers.

Mr. President, I am opposed to any such invidious distinction as is here proposed to be made in favor of book-publishers as against lithographers, photographers, and those who are engaged in the making of maps, charts, and dramatic and musical compositions. To say that it may endanger the passage of the bill to attempt to do justice to all parties interested in this matter is, I think, a very weak argument.

Certainly you should not subtract from the whole mass of the people engaged in enterprises in this country or another country one sort of enterprise, and afford that the protection which a copyright will give it, and leave outside the pale of protection this and every other industry as much entitled to it as book publishers. So I submit that if this amendment—for practically it is one amendment—is not incorporated in the bill the bill ought to be defeated, although I am in favor of a copyright bill when properly and fairly constructed.

Mr. President, no stronger argument can be advanced on this subject than is made by the parties who are engaged in lithographing, photographing, and making cuts, prints, and engravings, or musical and other compositions, than is presented here in a petition from certain people representing very large firms in the city of New York and elsewhere, signed by the following names:

Joseph P. Knapp, Donaldson Brothers, Schumacher & Ettlinger, F. Heppenheimer's Sons, Julius Bien & Co., Sackett and Wilhelms Lithographing Company, G. H. Buek & Co., the Giles Company, Lindner, Eddy & Clauss, the Gast Lithograph and Engraving Company, J. Ottman Lithographing Company, and Trautmann, Bailey & Blampey, all of New York City; the National Lithographers' Association of the United States, per H. T. Koerner, secretary, embracing fifty-seven establishments in nineteen cities of the Union.

Now, what do they say about it? Because in my remarks I very much prefer, Mr. President, simply to make a few quotations from the petition of these gentlemen, which answer the whole question and make as strong a plea as can be made in behalf of this amendment, save and except the commentary upon the danger that would result from amending this bill. They say:

The lithographic industry is actively prosecuted in 58 cities in 27 States of the Union. The aggregate capital is \$17,565,800, comprising 239 establishments, employing 13,763 individuals, and operating 1,125 steam lithographic presses.

These are the people you propose to leave out of the pale of protection altogether, subject them to foreign competition, while the book-maker is amply protected and more than protected, because he may have his plates made abroad and put them in his books here, and still prevent those engaged in the lithographic industry of this country from having their share of the business that is due to them and ought to be given to them. They go on to say:

The wages are large and the employees contented and prosperous. Should the bill pass in its present form, a large part of the business, now giving full employment to the two hundred and fifty-nine establishments, would be transferred to foreign workshops, owing to lower price of materials and the lower standard of wages existing abroad.

Somewhere I have heard it stated that the question of the tariff was one that ought to be weighed in this matter. But it will be remembered that the tariff protects the bookmaker in like manner as it protects the lithographer. Therefore that is no argument.

Mr. CARLISLE. Will the Senator allow me to ask him a question? I am not able to understand how the passage of the bill in its present form will increase to any extent the importation of these cuts, chromos, etc. In other words, after the passage of the bill the persons engaged in manufacturing these articles in this country will have precisely the same protection that they now have, and therefore the question is not whether we are going to ruin them by the passage of the bill, but whether we are going to give somebody else an advantage which they have not now under existing law.

Mr. McPHERSON. The Senator will see from the construction of the law that it requires, in order to protect even the bookmaker, that there should be copies deposited with the Librarian of the Congress of the United States, and that they shall be printed from typeset in the United States or from plates made therefrom. There is the protection that is accorded to them, and this is certified by the different customhouses of the United States. What we want to add to that is not only the books themselves, but, in order that they may not be prohibited, we want to add also the lithographers, and it is necessary to do that.

Mr. CARLISLE. As I have stated, I can see very well that this bill is to the book publishers and printers an additional protection over what they have now, but the question I asked was: How does it take away from the other people any protection which they have now? They state in this communication that the result of the passage of the bill will be to ruin their industry in the United States and cause everything of this character to be imported from abroad. My point is simply that notwithstanding the passage of this bill they will stand upon precisely the same footing that they do now under the late tariff act, and that is, 35 per cent. ad valorem upon certain articles and 25 per cent. upon others, with a duty upon the packages in which they come.

Mr. McPHERSON. Mr. President, I fully understand that the tariff will remain as it is so far as the duty is concerned, but I further understand that there is no inhibition against the importation of book illustrations from foreign countries, for the use of bookmakers if you please, of any of the articles which have been mentioned in the amendment offered by the Senator from Maine.

Mr. President, let me send up to the desk and have read—because it is the simplest way of dealing with this question—the petition which has been sent here by men engaged in the manufacture of these articles, and which states the whole question, and states it fairly.

The PRESIDING OFFICER. The petition will be read.

The Chief Clerk read as follows:

STATEMENT AS TO PROPOSED AMENDMENTS TO H. R. 10381, INTERNATIONAL COPYRIGHT BILL.

The proposed amendments place the printers and publishers of maps, charts, musical compositions, engravings, cuts, prints, photographs, chromos, and lithographs upon the same footing as the book printers and publishers are placed by said bill.

On page 3, section 3, line 23, it is provided, in the case of a book, that the two copies of the book required to be deposited with the Librarian of Congress "shall be printed from type set within the limits of the United States or from plates made therefrom;" and on page 3, section 3, lines 27 to 31 inclusive, it is further provided "that during the existence of such copyright the importation into the United States of any book so copyrighted, or any edition thereof, or any plates of the same not made from type set within the limits of the United States, shall be, and it is hereby prohibited."

Under these provisions of the bill the typesetting and book-publishing trades are fully protected. The whole publication of the book, in all of its branches, must be done in this country. The protection to the printing and publishing trade is therefore ample.

While the printing and publishing book trade is thus fully protected, the same rights are not accorded to nor is any provision whatever made for the protection of the lithographer, plate printer, and photographer. These trades are surely entitled to and should receive the same measure of protection as the bill metes out to the printing and book-publishing trades.

The foreign author, inventor, designer, or proprietor of a map, chart, musical composition, engraving, cut, print, photograph, chromo, or lithograph having copyrighted them in this country, under the provisions of this bill should it become a law with its present wording, can have the copyrighted map, engraving, lithograph, or whatever it may be, printed abroad, where materials are much cheaper and wages a great deal lower, import them, and by the provisions of this bill have the perfect monopoly, control, and sale of them in this country during the life of the copyright, which is apparently twenty-eight years. His only outlay for this exclusive monopoly will be the copyright fee of \$1. Besides this, if the bill is unamended, it will be quite possible for the American publisher of a book containing lithographic plates, maps, or illustrations (said book being copyrighted under the provisions of this bill) to print the book from type set and plates made therefrom within the limits of the United States, and yet to import the lithographic plates, maps, or illustrations, and bind them in the book here. The lithographer, plate printer, and photographer are, in all justice, entitled to the same amount of protection and ask no more than the printer and book publisher.

It was evidently the intention of those who drew this bill to include the lithographer, plate printer, and photographer, because on page 5, section 4, lines 25 to 41 inclusive, it is made the duty of the Librarian of Congress to furnish to the Secretary of the Treasury copies of the entries of titles of all "books and other articles" wherein the copyright has been completed "by the deposit of two copies of such book printed from type set within the limits of the United States, in accordance with the provisions of this act, and by the deposit of two copies of such other articles made or produced in the United States;" and the Secretary of the Treasury and the Postmaster General are empowered and required to make and enforce such rules and regulations as shall prevent the importation into the United States, except upon the conditions above specified, of "all articles copyrighted under this act" during the term of the copyright.

The "other articles" provided for in this section (4) must necessarily refer to such publications as maps, charts, musical compositions, engravings, cuts, prints, photographs, chromos, and lithographs which are mentioned in section 4 of the bill. There is nothing else to which "other articles" could apply.

Among the articles named in the bill those produced by lithography occupy a very prominent position, for maps, charts, musical compositions, engravings, cuts, prints, and chromos are nearly exclusively printed by lithography, many of them exclusively so, and among these may be mentioned chromos, prints, musical compositions, maps, and charts. The importance of the proposed amendments to the lithographer is at once seen, as the articles enumerated cover fully 50 per cent. of the lithographic production of the United States.

The lithographic industry is actively prosecuted in 58 cities, in 27 States of the Union. The aggregate capital is \$17,565,800, comprising 259 establishments, employing 13,765 individuals, and operating 1,125 steam lithographic presses. The wages are large and the employees contented and prosperous. Should the bill pass in its present form a large part of the business, now giving full employment to the 259 establishments, would be transferred to foreign workshops owing to lower price of materials and the lower standard of wages existing abroad.

If objection is made that the tariff regulates this and protects the American lithographer, the answer is that the tariff operates in the same manner regarding the American book printer and publisher, as they are protected by the present tariff laws in like manner with the lithographer. Besides this, it may be stated that in the absence of an international copyright law, as at present, the American lithographer is at liberty to copy or to use as a basis for a design any existing foreign print, picture, photograph, engraving, or lithographic publication, and as art has reached a high state of development in Europe, their productions necessarily form the basis from which a considerable portion of American designs or reproductions are made.

Under the operations of the proposed law this important source of matter to the lithographer would be cut off, for on page 8, section 4965, heavy penalties are provided should any one copy such an article, or should "vary the main design, with intent to defeat the provisions of this act," thus opening the way to innumerable suits to decide whether or not a given design has been copied, or whether the main design has been varied with intent to defeat the provisions of the act. (Surely it is not asking too much, where such privileges are given to the foreigner and such heavy penalties provided for the possibly innocent infringer of the copyright, that we should exact that reproductions for the American market of said foreigner's copyrighted articles shall be made exclusively within the limits of the United States.)

Should the bill be enacted as it now stands it will:

1. Protect the printer and book publishers only.
2. Its provisions will clash and be difficult of execution, and will discriminate against the lithographer, plate printer, and photographer.
3. By it a large amount of work now affording steady employment to a great number of wage workers will be transferred to foreign establishments, to the detriment of American industries.
4. Where protection is given to trade it should be given to all alike.
5. A failure to correct the conflicting provisions of the present bill now, under the plea that the error can be corrected by future legislation, is a risky, unreliable, and unjust way of dealing with legislation affecting a large class of wage workers, and in the present condition of legislation can not be depended upon.

Joseph P. Knapp, Donaldson Brothers, Schumacher & Ettlinger, F. Heppenheimer's Sons, Julius Bien & Co., Sackett and Wilhelms Lithographing Company, G. H. Buck & Co., The Giles Company, Lindner, Eddy & Clausen, The Gast Lithograph and Engraving Company, J. Ottman Lithographing Company, Trautmann, Bailly & Blampey, of New York City; the National Lithographers' Association of the United States, per H. T. Koerner, secretary, embracing 57 establishments in 19 cities of the Union.

Mr. HALE. Mr. President, I desire to call attention to what seemed to me a very pertinent inquiry addressed by the Senator from Kentucky [Mr. CARLISLE] to the Senator from New Jersey [Mr. McPHERSON], and that was whether the lithographer, the plate printer, and the photographer, if this bill should pass, would not be as well off as they are under the present law? If the Senator will look at page 8 of the bill he will find that it has been so constructed that not only does it protect the printer, but in terms visits disabilities upon the lithographer, photographer, and the plate workmen, because the present privilege that the lithographer and the others who are interested in this amendment have now, to take as the basis of their work a foreign design which can be furnished abroad, is cut off by the bill. Section 4965 of the Revised Statutes is, on page 8 of this bill, made to read:

SEC. 4965. If any person, after the recording of the title of any map, chart, dramatic musical composition, print, cut, engraving, or photograph, or chromo, or of the description of any painting, drawing, statue, statuary, or model, or design intended to be perfected and executed as a work of the fine arts, as provided by this act, shall within the term limited, and without the consent of the proprietor of the copyright—

That is, the foreign proprietor—

first obtained in writing, signed in presence of two or more witnesses, engrave, etch, work, copy, print, publish, dramatize, translate, or import, either in whole or in part, or by varying the main design with intent to evade the law, or, knowing the same to be so printed, published, dramatized, translated, or imported, shall sell or expose to sale any copy of such map or other article as aforesaid, he shall forfeit to the proprietor all the plates on which the same shall be copied and every sheet thereof, either copied or printed, and shall further forfeit \$1 for every sheet of the same found in his possession, either printing, printed, copied, published, imported, or exposed for sale, and in case of a painting, statue, or statuary, he shall forfeit \$10 for every copy of the same in his possession, or by him sold or exposed for sale; one-half thereof to the proprietor and the other half to the use of the United States.

The trouble with this bill is that it would seem to have been constructed, first, upon the idea of absolute free trade, and then to protect the printer. It authorizes the designer abroad not only to copy-right here, but to take it back to Germany, or France, or Italy, and there reproduce from it and flood our markets. So the penalties that are imposed take away from the lithographer, photographer, and plate printer the privileges that they now have. In short, Mr. President, this bill as now framed is in the interests of a particular select class of American manufacturers and laborers and discriminates against the others.

It is a remarkable proposition that we should be told that this, of all bills, should be submitted to an iron rule, and that no amendment should be passed, because there is danger that it will run awry in the other House. Mr. President, the Senate spends its hours, its days, and nights here in taking up and considering and carefully amending propositions that come from the other branch of Congress in order that in the end justice may be done. I affirm here that no set of men have any right to arrogate to themselves the wisdom that shall contain all propositions which shall be carried into this bill and to declare from that that no amendment should be made because it endangers the bill. The bill had 44 majority in the other branch of Congress; there are three weeks of the session yet remaining, and it is an invidious thing that, departing from the original purpose of the copyright men, and clearly and plainly protecting certain classes and certain labor in this country, it should deny the same protection to another equally meritorious class.

That, Mr. President, is not broad, good, general legislation, but it is legislation in the interests of one class as against another, in the interest of one laborer as against another. The whole bill is wrought out upon that scheme, and I join with my colleague in protesting against it.

This is not simply a Maine matter by any means. These establishments are spread throughout nineteen different States, employing tens of thousands of laborers; and they are aggrieved and hurt and wounded that this measure, which it is claimed is set upon principles of broad equity and justice (there is more of that arrogated for it than for any measure that has been before the Senate during this session), should in this regard depart so particularly and essentially as it does.

No harm can come to this bill by the adoption of this amendment, against which no argument can be made except the cry of danger to the bill itself. There is no danger if the amendment passes but that it will be taken up, and in conference there will be a good fair bill. If the feature of protection to American labor is at all to be ingrafted upon it, then it ought to be as universal and broad as labor is spread through the country.

Mr. REAGAN. Mr. President, I understand the office of a copyright bill to be to secure to authors the exclusive use of the works which they may prepare. I understand it to be the object of an international copyright to extend this privilege from country to country, so that authors in one country may have the exclusive use and benefit of their work in another country. In this sense there are very broad reasons in favor of an international copyright law.

But it must be admitted in the outset, Mr. President, that a copyright law will greatly increase the cost of literature to our people, and the question which we have to meet here is whether justice to authors requires us to sacrifice the interests of readers in this country. That is what I understand to be the question that legitimately arises upon a legitimate copyright bill.

This bill, Mr. President, is much more than a copyright bill. It is curious to see that at the threshold the discussion is not about the protection of authors in the fruits of their labor and study, but the protection of mechanical interests and capital and persons engaged in particular vocations. It seems to me that that is entirely foreign to a copyright bill, and I shall propose an amendment.

I propose to strike out the words beginning with the word "provided," in line 23, page 3, down to and including the word "permitted," in line 46, on page 4; and to strike out the words "printed upon typeset within the limits of the United States," on page 5, in lines 26 and 27. If that amendment is adopted it will bring up the question whether we are to adopt a copyright bill or a protective-tariff bill.

In my judgment, Mr. President, that is the question presented exactly by the discussion this morning. If we adopt this bill, instead of its being a fair and just international copyright bill, we give foreign authors the benefit of their publications in this country upon condition that special privileges are given to the men who print and publish their productions. That, it seems to me, Mr. President, is taking away from foreign authors the virtue which would be in a bill to conserve and to preserve to them their interests as authors.

The whole equity of an international copyright bill, as I understand it, is based upon the idea that an author of a book should have the fruits of his labor, just as to an inventor of any other scientific or useful appliance is secured the right to the fruits of his labor. In this case, if we adopt the bill as it is presented to us, and as it is proposed to be amended, we shall first do injustice to foreign authors; we will next do injustice to American readers.

I do not propose to enter into any elaborate discussion of this question, but simply at the outset of the discussion to state the reasons which will control my vote upon it.

While I recognize the fact that a legitimate international copyright bill would increase the cost of literature to readers in this country, I also recognize that for a limited period of time justice requires that the authors ought to have the benefits of their labors, and I would yield as much. But, when they go beyond that and make this a pretense for levying tribute upon those readers and authors for the benefit of American printers, then, Mr. President, I do not agree to that, and if the bill comes up in that form I shall certainly vote against it, and I hope for its defeat.

Mr. President, it seems to me a little hard that no measure, however beneficent, can come up in Congress but whatever virtue there is in it must be loaded with a special job. This is not right. This is one of the modern inventions of American legislation. It was not so in former times, when broad, general questions could be discussed upon their merits and decided without appeals to local interests, without appeals to local prejudices, without appeals to voters for their support and influence in elections. It seems that any class in this country have a very potential influence over legislation when they come forward and demand from Congress to yield something to them, to give them some advantages over other people; then you will have their friendship and support; otherwise you will have their condemnation and not have their votes. Just how far this element may influence the actions of others I do not know. I only say that whether it influences the actions of Senators or not, it unquestionably is the motive prompting these appeals for class legislation.

If it is in order now, Mr. President, I will submit the amendment which I have proposed.

Mr. FRYE. An amendment is already pending.

Mr. REAGAN. I know; but I offer an amendment to the amendment.

Mr. FRYE. Mr. President, I should very much prefer that the Senator from Texas would allow my amendment to be voted upon as an amendment by itself, it being entirely distinct from any other, and then he can follow it up with his amendment.

Mr. REAGAN. I do not see that there can be any objection to that, if the Senator from Maine desires to test the sense of the Senate upon his amendment. My objection of course goes to both the original bill and to the amendment. I am willing that the sense of the Senate should be taken upon the amendment of the Senator from Maine, and then I shall offer mine.

The PRESIDING OFFICER. The amendment of the Senator from Texas [Mr. REAGAN] is a distinctive amendment rather than an amendment to the amendment of the Senator from Maine. The question is on the amendment proposed by the Senator from Maine.

Mr. COKE. Mr. President, I have no speech to make upon this bill, but desire very briefly to state the reasons for the vote I shall give upon it.

I shall vote for the amendment of the Senator from Maine [Mr. FRYE]. I think that amendment is a just and proper one, and ought to be adopted if the bill is to be passed. But I shall vote against the bill in its present shape or in any other form it may assume.

There are various reasons given by the advocates of this bill for favoring it, but I find a statement made by a number of distinguished authors which more clearly and concisely gives the animus and meaning of it than anything else I have seen. It is very short, and I will read a portion of it.

The undersigned citizens of the United States pray your honorable body to pass the bill (H. R. 10881) relating to international copyright.

The honor of the nation demands that authors everywhere, whose productions inure to the use and advantage of our people, should have a reasonable compensation for their skill and industry secured to them by law. In the absence of such a law, the works of American authors are subjected to an unfair competition with foreign literature, whereby the prosperity and vigor of the literary art amongst our people are greatly depressed.

The bill, Mr. President, is designed for purely protective purposes to American authors, American publishers, and American printers. A great deal of tenderness is expressed by some for foreign authors. I fail to find in the testimony taken before the committees, especially the committee of the House, any feeling of that sort operating as a reason for the advocacy of the bill.

Now, Mr. President, what protection have American authors already? Under the existing law of the United States copyright is granted for twenty-eight years, with the right of extension for fourteen years more, making forty-two years in all. Every American author already has that right, besides the tariff duty of 25 per cent. on foreign books, in addition to a cost of 15 per cent. for packing, transportation, etc., making a clear protection of 40 per cent. against the foreign competition complained of in the statement I have read. There is 40 per cent. in addition to the forty-two years' copyright protection under the laws of the United States extended to our American authors.

It does seem to me, Mr. President, that that ought to be a sufficient protection. Forty-two years' protection under the existing copyright law and 40 per cent. tariff duty against the importation of foreign literature is what our authors already have.

I desire, Mr. President, to refer to some testimony taken on this subject before the House committee, especially to that of Mr. Roger Sherman, who is represented to have been one of the largest publishers in his time in the city of Philadelphia. Giving his testimony upon this point, in regard to a bill of which this is almost an exact copy, he says:

My first reason is, because it is the clamor of two hundred authors against the interests of fifty-five millions of people. In commenting upon that, I want to say to you, gentlemen, that I do not think you have had a single person before you whose interest it was not directly to favor this bill—not a single person. I will also say this, that there is hardly a person of those whose interests lie against the bill who has come before you, for the simple reason that they do not understand their interests. I have shown a pamphlet I have written to a number of booksellers, bookbinders, and persons of that kind, and they all say, "Oh yes; we do not want to see any international copyright bill passed;" but they do not understand the subject, and do not know how it is going to affect them. I think that is enough perhaps on the first proposition.

My second reason is, because cheap literature is a large factor in cheap education, and the unparalleled intellectual development in the United States is due to cheap education. I do not think you have anything to say against that; you will accept that, I suppose, as a fact.

The third reason I give is, because it is but another step towards yielding our market to the English manufacturers—a market which they took no part in creating, and whose creation they would have prevented if they could. Gentlemen, the whole question in regard to this copyright business is, whether or not you are willing to give the book market of America to the English.

Now I wish to illustrate that right here by stating what I happened to see in a paper the other day, and I believe it is a true statement of the case: "Away back, when I was a boy, Macaulay's History of England was published. The cheap edition was gotten out in our place in about thirty-six hours, in competition with Harper & Brothers, for E. H. Butler & Co. Harper & Brothers got out their edition a day later than we got this edition out. There were only 10,000 copies of Macaulay's History sold in England at that time; I mean just at that particular time. In America I can not exactly say whether it was 100,000 to 200,000 copies that were sold." But that shows you the importance of this market for the English publisher.

Now, I want to make another explanation here in regard to the difference between the two markets. In America the bookseller spreads his books everywhere in the bookstores throughout the country, and persons who want them buy them. In England the case is altogether different. There the masses are not educated, and books are bought by a class away above what might be called the artisan class. For instance, when Daniel Deronda was published, Mudie took 7,000 copies at once, I believe, for his library—at least that is my information, and if I am not right I shall be happy to be corrected. Those books were sent out from Mudie's circulating library to subscribers. The books in that circulating library are used until they are much worn and the demand for them gradually falls off, when they are sold at a low price and go out among the people.

Here are two instances of how differently this matter works abroad. The English people do not educate their masses. What does the education that a child gets there, among what are called the ordinary classes, amount to? Why, it hardly covers the three rules of reading, writing, and arithmetic. That is the reason why they have no market for their books. Here nearly everybody reads, and therefore this market is a very valuable one to them. It is not necessary I should enlarge upon that point.

The fourth reason I give is because it would grant foreigners a privilege which the founders of our Government intended should only be granted its citizens for the purpose of encouraging national literature, and not for the pecuniary benefit of individuals. I want you to mark that, gentlemen.

Says this witness:

It is not done for the pecuniary advantage of any individual, but only for the purpose of promoting literature. Any law which is put upon the statute book favoring international copyright must create a monopoly, and instead of the author being the person who is benefited, it must be the publisher.

For instance, suppose you give me the sole right to publish a certain book in this country for which I must pay the author 10 cents a copy. Now, the very fact of your doing that leads to this: I say to myself, "Why, here I am going to publish this book, and if I charge \$2 for it I shall make \$1 a copy profit and the author will get 10 cents. What do I care for the people? It is better for me to sell 1,000 copies and make \$1 a copy profit than it is for me to have the trouble of handling 10,000 copies and make 10 cents a copy. I make \$1,000 in either case, and it is a great deal better to do it with the least trouble." You create a monopoly immediately, and there is no way of getting out of that difficulty.

Mr. President, that is the testimony of an exceedingly intelligent man, a man who is an expert. His propositions are clearly stated, and

form, it seems to me, an unanswerable argument, certainly, against any such international copyright bill as this. His statement in regard to the sale of Macaulay's History of England shows that while 10,000 copies of that work were being sold in England from 100,000 to 200,000 copies of the same book were being sold in the United States, because our publishers could publish and put out cheap editions of the book.

Dr. Crosby, of New York, one of the most distinguished divines of this country, also gives testimony in relation to this matter in connection with the prohibition of importation. He says:

Another point that it is well to notice is that all the proper protection which our manufacturers need will be continued by our regular tariff regulations. The expenses of packing, freight, and contingent expenses are 15 per cent., which, added to the 25 per cent. of tariff, makes the protection now 40 per cent. Therefore, as this will continue, the American manufacturers will be abundantly protected if this law be enacted.

Mr. Henry Lea, of Philadelphia, a large publisher, in his testimony before the committee said:

It must be borne in mind that the millions of readers in the United States have been accustomed for generations to procure books at the minimum cost. Any form of copyright which shall convert into a monopoly the existing free competition, in the reproduction of new foreign works, will greatly raise the price of current literature. It will not be the mere addition of the sum paid to the authors, but it will be the highest price which the business sagacity of the holders of the copyrights shall consider likely to bring in the largest profits. This is an axiom so self-evident that it need only be alluded to. Rightly or wrongly, the people who buy books will deem this a hardship, and any form of international copyright will excite widespread discontent. It is not the part of statesmanship to shut the eyes to this, but rather to legislate so as to minimize such discontent.

Mr. President, these are the views of intelligent gentlemen thoroughly posted and informed upon this subject, and I submit that they should have great weight with the Senate and with the country.

Mr. Justin McCarthy, a witness before the committee, says:

It—

Meaning America—

will not consent to adopt any arrangement with England which will put a high price on books—

And, he adds:

The principle of Pearsall Smith's scheme appears to be unassailable if the plan should prove practicable.

In referring to the proposed royalty system of international copyright, Mr. Pearsall Smith says:

1. In America "cheap books have become a necessity." Were a copyright granted, "the works which are now purchased in the United States at 10 or 20 cents would cost \$1 or \$2 at least during the first year of their issue, and in some cases even 31 shillings and 6 pence, or \$7.50. American readers could no longer buy them almost as they buy newspapers. The Chicago man would take up arms before he would pay ten prices for his newspaper, and his feelings would partake of the same character under a similar advance in the price of his books.

Now here is what this man says:

If a monopoly system had been enacted, it would have reduced the 100,000,000 of cheap reprints of British copyright works which have been sold within the last few years to 10,000,000 or less. * * * Who can estimate what would have been the loss to the American people from the suppression, by monopoly prices, of the 90,000,000 which have certainly, for the most part, conveyed the teaching of the Anglo-Saxon high standard of social life?

2. American readers further object to monopoly international copyright because, were it granted and were they to cut themselves off from cheap reprints of British books, the bulk of the advance in price would not go to the authors, but to the book trade. * * * In raising the price by monopoly copyright from 10 cents to the minimum of \$1, American readers will therefore have to pay 75 cents in order to remunerate the author with 10 cents.

Such, Mr. President, are the opinions of gentlemen whose opinions are entitled to great weight. They make one proposition perfectly clear, and that is that this bill is an embargo on the spread of intelligence, on the diffusion of literature, on the spread of education among our people.

The Constitution of the United States permits Congress to enact copyright laws, not for the protection of American authors, but in order to promote the progress of science and the useful arts. It says:

To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

Also:

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers.

Does it promote the progress of science and the useful arts to enact a copyright bill, such as this, which will by reason of its raising the price of all books deprive tens of thousands and millions of people of the benefits of cheap books such as they enjoy under existing laws? To the extent that science and the useful arts are promoted by a copyright bill, a copyright bill is legitimate and constitutional; but I submit to the Senate that a bill which will have the effect of raising the price of all literature, of establishing a monopoly in the hands of authors and publishers, is not the sort of bill contemplated by the Constitution.

Mr. President, this bill is like a great many others that have been before Congress. It is framed in the interest of a class, to the disadvantage and detriment and injury of the great mass of the American people. There is no American policy to be subserved by the passage of this bill. Our American authors are protected abundantly by a tariff and by the copyright law now on our statute books. We have

no business to go into foreign countries for objects of legislation, to hunt up people for whose benefit our people must be taxed. Let us take care of our own people, of our own interests, and let others do the same for their people. Let our people have cheap literature, cheap histories, cheap spelling books, cheap arithmetics, cheap English or any other sort of literature, just as cheap as they can get it.

Do not exclude it. Do not exclude it in obedience to the demand of these American authors who tell you that they are subjected to unfair competition with foreign literature.

Mr. Arnoux was another gentleman who made a statement before the committee. I will simply give his conclusion, in which he said:

I think I have established—

1. It will make all books dearer and it will make the public pay more for the benefit of foreigners.

2. That it is cunningly and falsely called an international copyright bill to deceive the public, and that it lacks every element of an international character. It is only by treaties that international legislation can be secured.

3. It has no feature whatever of reciprocity. It does not even provide that it shall only be effective when other nations enact similar laws.

4. It is not conceived in a spirit of justice, for it treats printers differently from engravers, bookbinders, paper-makers, and all the other classes of labor that enter into bookmaking.

5. Its dishonesty is shown in its unblushing bribery of printers to support the bill, while it in fact diminishes their employment, and so in reality it is an injury to them.

6. Its special provisions are absurd, impracticable, and unjust.

Mr. Bovee makes this statement in reference to the bill.

It is a measure that will affect the craft's interests immensely; and until recently, owing to the persistent and extraordinary efforts made to pass it, printers have taken it for granted that it was all right, without taking time to study its bearings. At least this has been the experience of your correspondent, who at one time thought that with the type-setting clause it could work no harm to the craft, and that it would be just as well to give the big publishers and authors the aid they sought. But it is now generally seen and conceded, even by the advocates of the bill, that the effect will be to banish the cheap reprints and greatly enhance the price of books; and, pray, will not this tend to restrict printing, and thus work to the serious detriment of the craft? Of course, the big publishers will be benefited, for it will enable them to practically control the bookmaking business of the country, and the market, too, for that matter. Does not every printer know that the great want of the time is cheap reading, cheap books as well as newspapers? and how can we have them by destroying competition? Dear books will certainly restrict printing.

Now, Mr. President, I have said about all that I care to say on this bill. I am opposed to it. It is class legislation. It is aimed at the great masses of the American people, at their educational interests. It creates a monopoly and invites the authors of the world to come and enjoy it at our expense. The American authors already have a monopoly under the Constitution within the limits of this country. This bill invites foreign authors into this country and offers to give them the same monopoly. It is a bill, Mr. President, that ought not to pass. It is against the highest interest of our people, and I hope it will be defeated.

Mr. SHERMAN. I wish to call the attention of the Senator from Connecticut who has the bill in charge to one or two provisions in the bill which strike me strangely. I have not given to this subject the attention he has, and he can no doubt relieve the points in question to some extent.

In the first place, I believe in the general principle upon which this bill is founded. If any man writes a book or invents any new device, work of art, or any composition, I have no objection at all to giving to authors anywhere a copyright within certain limits. It seems to me that when a man writes a book he is entitled to the proceeds of that book; that he is entitled to something in the nature of a monopoly in that book.

But there is one feature in the bill which I do not understand. If a foreign book is copyrighted in this country, which is done with trifling expense, the foreign author will then have a monopoly of the printing and sale of that book. I am willing to give him that monopoly so far as the first section of the bill is concerned, because he can make his arrangement then with any person in this country who will publish the book, and have it printed or reprinted and published and copied in any way whatever. He can get the benefit of that contract.

But the provision to which I wish to call the attention of the Senator from Connecticut is that not only is that book copyrighted by a foreigner excluded from sale in our country, but it is absolutely prohibited. A foreigner can come over here and copyright a book at a trifling expense. He may then even refuse to have it published in this country, except to print two copies to deposit with the Librarian of Congress; and yet an American citizen can not import it if he desires a good copy of the foreign book, and he must be satisfied with probably an inferior copy published in America, or probably must go without a copy at all, because the owner of the book, although a foreigner, may prohibit its publication in this country, or he may impose such terms and conditions upon the American publisher that he can not afford to publish it in this country. He has the actual control over our own publication here because he can make his contract with any publisher here he chooses, or he may refuse to make that contract, and still his copyright is complete. Now, how is that American citizen to get this book? I find that the proviso of the third section of the bill is as follows:

During the existence of such copyright the importation into the United States of any book so copyrighted, or any edition or editions thereof, or any plates of the same not made from type set within the limits of the United States, shall be,

and it is hereby prohibited, except in the cases specified in section 2505 of the Revised Statutes of the United States.

That is, he may make such a contract with the publisher or refuse to make a contract at all so as to prevent its publication in this country, and yet American citizens can not import that book except under these limited conditions. When you look to the section of the Revised Statutes referred to it only relates to certain books that may be imported free of duty, and those books are confined to—

Books, maps, and charts, specially imported, not more than two copies in any one invoice, in good faith for the use of any society incorporated or established for philosophical, literary or religious purposes, or for the encouragement of the fine arts, or for the use, or by the order, of any college, academy, school, or seminary of learning in the United States.

So the colleges, etc., may import, notwithstanding the provisions of this bill, under the provisions of the act, two copies; but how is a citizen to get these foreign books? He can get only two copies of a book. He can not buy them abroad, and he can not import them except two copies, and for those two copies he has to make a special importation under very severe restrictions in importing his two books. The expenses of that importation, the customhouse fees, or rather the fees of the consuls abroad, will sometimes exceed the cost of the book. It will cost just as much to make an invoice for two books as it would to make an invoice for one thousand books. They can not be imported by any dealer; they can only be imported by an individual citizen; and then it must be done with the consent of the American publisher if there is one.

The contract might be made with an American publisher, and the American citizen might not be able to get the American copy at all, because the publisher is not bound to publish the book or he might publish it in limited number. If the American citizen has to go abroad to get his two copies on a special importation, he must go through all the forms and ceremonies that he would if he were purchasing a thousand volumes, and thus the mere consular fees, the mere cost of a triplicate invoice, and the expense of importing those two copies may be greater in amount than the foreign price of the book.

Mr. President, while I am perfectly willing to give to the foreigner some kind of protection for his books, I am not willing to prohibit the importation of foreign books. What competition will there be between the American publisher and the foreign publisher? None whatever. The American publisher may limit the edition; he may make it out of flimsy, bad material; he may print it in a form that would be disagreeable to all, on type so small that a man of my age could not read it with any pleasure; and yet an American citizen can not import the book from abroad.

It seems to me that the right to import books, subject to the duty imposed by law, ought always to be open to every American citizen, to every American dealer. Otherwise you give to the foreign author an absolute monopoly, for the proposed statute will prohibit an importation of foreign books to be sold in competition with his books. There is an absolute prohibition, and he must content himself with the American edition or else be prohibited from buying the books, except two copies under limited restrictions and at a very heavy expense.

It seems to me all that ought to be required and all that ought to be given by the Congress of the United States is the benefit of our duty on imported books. More English books are circulated in the United States than in England. There are more copies of many of the standard English works, like Sir Walter Scott's and some of the other works that have gone out of the sight of the copyright, sold in the United States than in England. Take for instance McCarthy's History of Our Times in England, a very valuable book and a very interesting book, that is subject still to the copyright, I presume, because it has been comparatively recently published, certainly within twenty-eight years. That book could not be brought here except in this way by a special importation.

Suppose you, sir, should desire a good copy of a book published in England. It would cost you as much to get two copies or the one copy which you would desire in the way of a special importation made for your special benefit as the price of the book, and you must do it directly by yourself as a citizen. You can not do it through an agent, through a bookseller, or anyone who usually supplies such orders.

It seems to me that if foreign books published abroad were allowed to be sold subject to duty, giving the author of the book the right to contract as he pleases with the American publisher, leaving the American publisher to publish in competition with the cost of the foreign book with the duty added, it would give the foreigner advantage enough to protect him in the enjoyment of his right of copyright. For instance, a profit of 10 per cent. in the sale of a book is considered a very excellent proprietary right for the author. If an author can get 10 per cent. on the cost of every book that is sold he gets a very bountiful revenue. On the particular book I have mentioned 10 per cent. on the cost of the book, given to the author, Mr. McCarthy, for writing the book, would be a bountiful source of revenue to him, ample and sufficient as a compensation for his production.

It seems to me there ought to be a free right to import foreign books subject to duty. The duty is not quite enough on books now to make one-fifth of the duty a very large income to a publisher who publishes books that the Americans desire to read. It seems to me that giving

the foreign author a right to prevent anybody from publishing his book in this country unless the publisher will be willing to make reasonable terms with him with the duty imposed is a sufficient protection to the author.

But I do not see any object in prohibiting a book. Indeed, it is proposed to treat books published in foreign countries as the Chinese do opium, as a thing to be prohibited, as something that ought not to be admitted here. Now, I do not think that books under any circumstances should be placed in that position. If the duty is not high enough to leave a sufficient margin for reasonable profit by the publisher, and also reasonable compensation to the author of the book, then raise the duty. But this bill goes far beyond what I supposed it did. I am sorry I did not understand it. I voted, if I remember aright, for the bill that was passed here two years ago, and I am quite sure that it had no such provision as this, prohibiting the importation of foreign books. I do not remember any provision of that kind.

Unless there is some modification made of the bill I do not see how I can vote for it. I certainly do not want to prohibit an American citizen from buying a work in any language or from any press or of any edition. Indeed, some of the most distinguished book fanciers of our country import largely. I think of one now who sold his library recently to the Chicago Library for some ninety odd thousand dollars, and who made it a business to buy one copy of every edition of a foreign book imported. He had some twenty or thirty Bibles, commencing with the first that was issued in Germany and coming down to the present time. He brought them from foreign countries and had them bound in a peculiar way, thus giving them additional value. He would be absolutely prohibited from doing this thing unless he would make a special importation of each particular book, subject to all the charges of such an importation.

I think, therefore, that if a duty is allowed to stand and anybody is allowed, a dealer as well, to import foreign books to be brought in competition with our own books, and yet giving to the English author the right to make a special contract by which he would derive a certain advantage with one of our own publishers, and then let our publishers compete with the foreign publishers, having the benefit of the duty on their side, is all the protection we ought to give to authors in foreign countries, and all they ought to ask.

The VICE PRESIDENT. The Chair has just received three telegrams bearing on the pending question, which, if there be no objection, he will lay before the Senate.

The Chief Clerk read as follows:

Telegram from the president of the Boston Art Club, earnestly protesting against the amendment to the copyright bill proposed by Senator FRYE.

Telegram from John Andrew & Son Company, of Boston, expressing the earnest hope that the proposed amendment to the copyright bill will not be adopted and that the Simonds bill will be passed by the Senate.

Telegram from J. P. Rinn, treasurer of the Paint and Clay Club, artists, of Boston, protesting against the amendment of the copyright bill proposed by Senator FRYE.

The VICE PRESIDENT. The telegraphic memorials will lie on the table.

Mr. PLATT. Mr. President, a word in reply to the suggestion which has been made by the Senator from Ohio [Mr. SHERMAN]. I understand his idea of a copyright is that it should not be exclusive; in other words, that no foreigner should have a copyright here unless he allows the importation of books from abroad.

Mr. SHERMAN. Subject to duty.

Mr. PLATT. Subject to duty. Now, the length and breadth of that argument may be illustrated by applying it to the patent system. It would be this: No foreigner shall have a patent in this country unless he allows all articles which have been produced under his patent abroad to be imported here simply upon the payment of duty. That would be no patent at all, and it is no copyright at all.

As it seems to me, the trouble which the Senator from Ohio has rests entirely upon a misapprehension of what will be done with the copyright in this country. It should be observed that this bill is not mainly to give the foreigners copyrights in this country. The main object of it, as far as we are concerned, is to give Americans copyright abroad. It seems to me that it can not be assumed for a moment that a foreigner will come to this country and copyright his book, or his engraving, or whatever it may be with the purpose of preventing the sale of it, for that is what the Senator from Ohio says. He says suppose he comes over here and goes to all the expense of having a book printed in this country, as he has to do, and then concludes that he will not circulate it in this country. Such a supposition is impossible. It is incomprehensible to suppose that an author or any person who desires to obtain the advantage of our copyright law will come here and seek a copyright for the purpose of preventing the sale of his work in this country. There is no object in such a proceeding. His business abroad is no better for it.

On the other hand, the very object of his coming here and securing a copyright in this country is to secure this market and to secure it exclusively. That is what we propose to give him; it is what we ought to give him. So the fear which the Senator has seems to rest upon what appears to me to be an impossible apprehension or the apprehension of an impossible contingency.

Mr. HOAR. The Senator knows that I agree entirely with him about his bill in every particular, but I should like to have him state for information what provision is made, if any, in regard to this matter. Suppose there is a valuable foreign book, the edition of which is of great value by reason of its beauty, its rarity, or its containing what other editions do not contain, annotations or illustrations, does this bill, in the first place, preserve the right of the public libraries and the colleges to import such things as the law exists now in regard to admission duty free?

In the next place, what opportunity is there for individuals who desire to acquire such things to obtain them? For instance, let me illustrate the case by referring to Mr. Dana's *Two Years Before the Mast*. I purchased a little English edition which I now own, printed from type not much larger than the head of a pin, published abroad. I suppose that was the only English edition of that book. Suppose that such an edition existed here of some English author, not a very famous one, so that his works were not in much demand, is there any possibility of our getting other editions from abroad that are preferable?

Mr. PLATT. I was coming to that point, but I want to state that the argument based upon the supposition that the author or whoever proposes to avail himself of our copyright system would come here and take out a copyright and then prohibit the circulation of the book need not excite any apprehension.

Then the Senator says we ought to have the right to buy an edition of a book which is not published in this country. The bill preserves that. It preserves in the first place the right for colleges, libraries, and people who desire books for educational purposes to import two books each, and that is extended in the bill in lines 35 and 34, on page 4.

I commence to read on page 3 to show its connection on page 4—

During the existence of such copyright—

That is, where an author has come here and had his book manufactured here, two copies of it, has gone to all that expense, and of course with reference to its publication and circulation in this country—

During the existence of such copyright the importation into the United States of any book so copyrighted, or any edition or editions thereof, or any plates of the same not made from typeset within the limits of the United States, shall be, and it is hereby, prohibited, except in the cases specified in section 2505 of the Revised Statutes of the United States.

That protects colleges and institutions. It allows them to import foreign editions.

And except in the case of persons purchasing for use and not for sale, who import not more than two copies of such book at any one time.

That authorizes, with the consent of the proprietor of the copyright, the importation of this edition, which would always be given as a matter of course.

Now, there is a very homely old saying that you can not keep your cake and eat it too. You can not give to the author a copyright in the United States, which, under the Constitution is an exclusive right, and then say, "Why, we give you this exclusive right in the United States, but the books which have been printed abroad shall come here." That is not the exclusive right; it is no right at all. No publisher would take the publication of a book under those circumstances. It will not make dearer books in the United States, for the United States edition in the usual course of trade will always be a cheaper edition than the foreign editions.

Mr. CULLOM. Why?

Mr. PLATT. Because the custom of the trade is such that the books are published in England in a very much more expensive form than in the United States.

Mr. CULLOM. That might not always be the case.

Mr. McPHERSON. Will the Senator from Connecticut allow me to call attention to the part of the bill he has just been reading? It seems to me as though even in the case he has named it would require the consent of the proprietor of the copyright before even the two books could be imported.

Mr. PLATT. Why should it not? Why not?

Mr. McPHERSON. I thought the Senator had used that as an exception.

Mr. PLATT. I just said, not a moment ago, that it would require the consent of the proprietor of the copyright. But why not? Why not apply the same principle to a copyright of a book that you do to a patent? Will the Senator from New Jersey or the Senator from Ohio for a moment say that when Mr. Siemens comes here and we give him a patent for his open-hearth process it shall be subject to the right of anybody in the country who desires to import from abroad a furnace made according to his patent paying the duty? Of course it should be done with his consent if any such exception were made.

The trouble about it is Senators do not seem to understand that in the very nature of things copyrights and patents are exclusive in their character, and if they are not exclusive they are of no value. It seems to me that this bill has gone just as far as it can to meet precisely the cases which the Senator from Ohio is troubled about, without entirely destroying the copyright principle.

A suggestion was made by the Senator from Ohio that the expense of the importation, the consular certificate, and all that sort of thing

would be so great that nobody could get a copy from abroad! In the first place, nobody will want to do it except as a matter of fancy, to gratify a fancy for some peculiar edition, some expensive edition, some particularly printed edition. If a person simply desires to gratify a fancy in having a foreign edition of a book, of course the person can afford to pay for it. There will be the book circulated in this country and in a condition where it can be read. If a person wants a finely bound book or a very peculiarly printed book, that is a matter of fancy; it is a matter of indulging his taste, and for that why should he not pay what it is necessary to pay in order to acquire the means to gratify his taste and his fancy?

But it will not be so expensive as the Senator suggests, because those books can be imported by mail, I understand. I think I am not mistaken about that. The Senator from Kentucky [Mr. CARLISLE] will correct me if I am wrong; but two books of any edition might be imported by mail, I understand; and there are regulations to observe in the Post-Office Department. It does not require a broker in the city to order them, or anything of that sort. It will not be very cumbersome or very onerous to thus gratify one's taste. But if you are going to give a foreign author a copyright in this country or to give an American a copyright in another country, you must put it in the power of that author to contract with one person for the circulation of his book, or whatever else is the subject of copyright, whether in this country or in a foreign country.

I will take now the case of an American, for this is to be a reciprocal law. Suppose he goes abroad and seeks to copyright his work abroad, and he does so. He makes a contract with his publisher there. Is he then to have that contract broken up by anybody importing a book from America free? for there is no tariff. It seems to me that there is not the difficulty which the Senator from Ohio sees in this matter.

Mr. SHERMAN. I am afraid I did not make my meaning very clear, for the Senator has not yet met the difficulty. Here is a bill which gives to the author, inventor, designer, or proprietor of any book, chart, etc., a copyright, and stipulates that he shall have the sole liberty of printing, reprinting, publishing, completing, copying, executing, finishing, and vending the same. So a foreigner gets here an absolute, exclusive right for publishing a book composed in another country and brought here.

Now, this same author has in the country of its production, where he lives, a copyright. The book is published there for his benefit, and he gets his profit also by the contract that he makes here for printing, reprinting, etc., his book. That gives him a right to sell it exclusively. He may go to Mr. Harper and make a contract with him for the publication of his book in this country, reserving a royalty, if you please to call it so, of 5 or 10 per cent., which is about the average royalty on books published. That is his right, and I do not see any reason why he should not have that right, because it is his invention, it is his work, and he ought to have the protection of our laws to a reasonable extent.

But here is the trouble. This provision that I complain of is not made for the benefit of the foreign author, because the foreign author will be interested not only in the publication of the work here, but in the publication of the work abroad. So whether the book was bought here or bought in Great Britain he would get the benefit of the copyright of the two countries. That is all right enough; but you propose now to give to the publisher who makes the exclusive contract with the author a monopoly of the publication of that book, not only as against other publishers in our own country, who would be glad to share with him in the benefit of the contract, but you give him that exclusive right. That is all well enough. So far so good. But now it is proposed to go beyond that and give to the publisher in this country this absolute monopoly of that work in the United States of America against the publication of that work in other countries, in the country of the origin of the book.

It seems to me we have extended the principle of protection to American industries to a very great extent, and some people think we have gone too far in that direction, but that protection has never gone to the prohibition of the sale of any article or the importation of any article, except a few which stand upon their own ground. We prohibit indecent publications and the like, but that is on the ground of morality. We do not do that to protect our own publishers in any case or to give them an exclusive monopoly. We do not say that an article of a similar character to the one permitted here shall not be brought from any country in the world.

Mr. PLATT. Will the Senator allow me to ask him a question? Suppose a man invents an engine. He sells to a manufacturing establishment at Cleveland the right to make, to use, and to sell those engines. Does the Senator think we ought to permit the importation of that same engine from Canada?

Mr. SHERMAN. I am not sure but that under the existing law a man could buy a foreign machine in a foreign country and bring it into this country. I think that the law which was so strictly enforced as against competitors or those who interfere with a patent in our own country would not apply to a foreign machine of that kind, because we fix the duty on a foreign machine, and when that duty is paid the machine comes into our country.

It may not be exactly similar to it, but it supplies the place and competes with the American machine; and that is one of the means by which we prevent such patents from operating too severely, because if the American inventor should put too high a price on his machine and a foreign machine which substantially operates upon the same principle is brought here into competition it is admitted upon the payment of the duty.

Mr. President, let us go a little further. I say this is a stipulation in favor of the foreign author, the writer of the book, because it is to be presumed he has his book published in his own country and he gets the benefit of the sale of that book wherever it is sold in our own country or in his; but it proposes to give an exclusive monopoly to the person who makes the contract for the publication of the book, and that monopoly is so exclusive that no book can be brought into this country except for colleges and institutions of learning, and then only in limited numbers. No book is to be brought into this country from foreign countries without the consent of the publishers here.

Suppose an application should be made to the person who has the contract for the publication of the book here. Is he likely to consent when that consent will interfere with his interests? It seems to me to require a citizen of the United States to ask Mr. Harper for the privilege of bringing a book into this country from England is a humiliation to which most American citizens would not submit. What right has Mr. Harper, because he has made a contract with a foreign author, to say whether I shall buy a book in England at the prices current there subject to the payment of duty? It seems to me that the very limitation requiring the consent of the man who is most interested against my buying a book wherever I choose is a sufficient objection to this bill.

I put it upon broader grounds. In no case would I levy such a duty—for this is in effect in the nature of a duty—in no case would I levy such a prohibition upon such an article of necessity as a book. Books are just as much articles of necessity to an intelligent man as the food he eats and the coffee he drinks; he must have them. Most of us, when we want a book, send and get it. If we can get it in our own country we may be easily satisfied; but suppose the American publisher who has this monopoly should refuse to issue a book of sufficient taste and of a character that suits our taste, ought not taste to be indulged in, ought not fancy to be indulged in? Are we mere, plodding clodhoppers, satisfied with what only American publishers will publish without any respect to our taste as to the character of type and the illustrations and all that?

It seems to me that the bill goes too far, and that all its beneficial objects can be accomplished by adopting the rule that whenever a foreign author comes over here and makes a contract with an American publisher it shall be made upon such terms and conditions that the American publisher shall supply the trade within the limits of the price in the foreign market, and the duty should operate for the benefit, not only of the publisher who has the monopoly of the publication in this country, but also of the author who wrote the work. To carry the principle of foreign copyright beyond that would seem to be a violation of the first principles of our tariff laws, which are laws levying duties, not prescribing prohibitions.

Now, it is said that an American author will have no advantage of the copyright in England. Although they have no duty there on books, he would have the privilege of making a contract with some one publisher in Great Britain for the publication of his work. That gives a monopoly in the sale of that work, and, if there is a demand for the work, as a matter of course the demand would be supplied by one publisher in Great Britain instead of a dozen or twenty or thirty publishers. Therefore an American has the same advantages in England, under such a restriction as I mentioned, even if they have no duty on books, because he would have the benefit of a contract made with a single publisher, who would have a monopoly of the sale of that work in Great Britain; and it seems to me that that is all that ought to be provided.

In England, and especially in Germany, they can publish books cheaper than we can publish them here, and the American author would have the benefit of the cheaper labor of that country when he got a copyright on a book abroad. He gets the benefit of the lower prices of labor, the benefit of the cheaper cost of production, and he has the full benefit of his copyright, although there is no duty in Great Britain levied upon books. However, there is a duty levied upon books in Germany and most other countries. It seems to me, therefore, that this principle of prohibition ought not to enter into this third section of the bill.

Aside from that, I do not see any special objection to the bill, but I think that is a radical objection. No bill prohibiting any article needed by an American should enter into our law, but a reasonable opportunity should be given to all Americans to buy or purchase any article at such a rate of duty as the public policy of the United States may seem to require. We levy our duties for revenue only and for protection. We carry out our policy of protection, but we carry it out by a limited rate of duty upon the foreign article, so as to give the American producer the benefit of that duty, and to the extent of the increased cost in our own country we pay it willingly, because we know that this principle of protection does tend to diversify our industries and to increase our products.

Therefore we suffer, if there is any inconvenience, and in most cases by actual competition in our own country we reduce the price lower and lower, as I have often said on the floor of the Senate. That is the effect of home competition; but in the first instance, undoubtedly, when a duty is levied on the foreign article there is an advance of price, and that advance of price is counteracted by the benefit conferred upon our people by the production, by giving labor to our people, but generally by competition reducing the price below even the original price in the foreign country. However, when you apply the rule of prohibition you make then what is odious always to the people of our country, a monopoly.

When we levy a duty on foreign goods there is no monopoly about it, because it operates for the benefit of all, and every American competitor stands on an equal footing and can enter into that kind of competition; but when you give a foreigner a monopoly of copyright and then deny the American the foreign market to regulate the price of the domestic market, as a matter of course you put him in a very different position from what everyone stands in when operating under the general tariff laws of the United States, which are of universal application, equal and alike to all. It seems to me therefore that the bill goes too far.

Mr. PLATT. Mr. President, I do not want to prolong the discussion, but evidently the Senator from Ohio is going aside from the whole matter of copyright now. His idea seems to be that when this country and foreign countries grant a copyright they grant something which is not exclusive to the author or whoever avails himself of the benefit of it. He says we ought not to cut off foreign competition. When we grant an American copyright in America, we prohibit every individual in America from publishing the book except the owner and those whom he permits to publish it. We go further in our own market than we propose to do now with the foreign market.

The idea of the Senator seems to be that when an American abroad gets a copyright he should have merely the privilege of contracting with a foreign author to publish his book, provided he will do it just as cheap as anybody else will anywhere else in the world. Now, what a contract that is and what a benefit that is! As to granting a foreigner here a copyright, it is a reciprocal matter, of course; what applies to this country must apply to our authors in a foreign country. The Senator says that when we grant a foreigner a copyright here we should limit him in contracting for the publication of his book or in publishing it himself by the right of having any publication of the same that is made in the foreign country sent here in competition with it. Now, that is not a copyright. That is a good illustration of the old scriptural suggestion that where a man asks for bread he gets a stone.

Mr. McPHERSON. May I ask do you not provide against foreign competition by a high tariff upon the article itself?

Mr. PLATT. The tariff has nothing to do with this question of copyright. It is analogous to the patent system, and not to the tariff system. You can not have a right given to a patentee which is to be interfered with by anybody here or abroad. You can not have a right given to an author which is to be interfered with here or abroad.

Mr. DAVIS. I should like to ask the Senator from Connecticut whether under the first four lines of section 13 the foreign author will not get more privileges in this country than are granted to an American author in the country of that foreigner. The foreigner gets a right of absolute prohibition here upon condition that the American author in that country gets the same right as the author has in that country, although it may be much less than prohibition.

Mr. PLATT. This bill proceeds upon being reciprocal.

Mr. DAVIS. That is not reciprocal.

Mr. PLATT. It is not to take effect here until substantially the same provisions are made for the benefit of the citizens of the United States for copyright in other countries.

Mr. DAVIS. I do not understand section 13 to bear that construction.

Mr. SHERMAN. I will ask the Senator from Connecticut if section 2505 of the Revised Statutes is kept as it is now, would it not be a misdescription of the present tariff act?

Mr. PLATT. That refers to the statute, and, although the statute has been repealed by the enactment of the law since, I think it is as perfectly good as a matter of description as if it might refer to a clause in the statutes of the State of Connecticut as a matter of description.

Mr. SHERMAN. The reason why I mention it is because the free list was largely extended by the recent law.

Mr. PLATT. Not very largely; it was slightly extended.

Mr. SHERMAN. I think that section had better be changed.

Mr. PLATT. I do not want to amend the bill.

Mr. CARLISLE. I should like to ask the Senator from Connecticut, who has studied this bill, a question. Section 13, to which the Senator from Minnesota has just referred, provides "that this act shall only apply to a citizen of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as its own citizens." The objection made by the Senator from Ohio is that under this bill, if it passes, the book of the foreign author copyrighted in this country can not be imported except in the limited amount prescribed

by the bill. The question I desire to ask the Senator is whether he understands that this provision of the thirteenth section of the bill will prevent an English author from procuring an American copyright for his work unless the English Government also prohibits the importation of that work into England after he has copyrighted it there.

Mr. PLATT. In case an American citizen applies there for a copyright?

Mr. CARLISLE. Suppose an English author applies for a copyright in the United States, the question I ask the Senator is, would that copyright be refused to him unless he shows that by the laws of England the book which is copyrighted by an American citizen in England can not be imported into England? Otherwise the two citizens would not stand upon the same footing. The English author or his publisher in this country would be absolutely protected against any importation of his work into this country, while the American author who was copyrighted in England would not be protected against the importation of his work into England.

Mr. PLATT. I think he would.

Mr. CARLISLE. Not under this language, because this simply provides that they shall give him "the benefit of copyright on substantially the same basis as its own citizens," and nothing else, whatever that may be.

Mr. PLATT. The next clause reads:

Or when such foreign state or nation permits to citizens of the United States of America copyright privileges substantially similar to those provided for in this act.

Mr. FRYE. That is disjunctive, "or." It should be "and."

Mr. CARLISLE. That is "or."

Mr. EVARTS. Mr. President, I rise for the purpose of speaking to the amendments proposed, but I will submit a few observations brought out by the treatment given to this subject by the Senator from Ohio [Mr. SHERMAN].

The Senator seems to misconceive the nature of copyright or patent protection. We perfectly understand it in our application under our Constitution and our laws to the copyrights and the patent rights which we grant here to our citizens. It has nothing to do with any question whether there should or should not be any profit or tax of importation or otherwise or any excise upon printing books which may fall under this or that interest of Congress in its revenue system. So it is in regard to any foreign patent or any foreign author.

The sole question for us is what we will do concerning what is the nature of copyright and patent protection. That is monopoly. It does not touch the question whether there shall be taxation here or there in the general property of the country or general importations into the country. It is this one direct proposition as correctly expressed in the Constitution as the most careful phrase could be adopted. It is to encourage these advantages to the world, that is, this world of ours, in this country, on the face of it, perhaps by which we can draw into the service of the community what is the private possession of inventors and writers. It is a monopoly with them before they make their composition or their invention open, and it is a pure contract which has been thought wise and which has proved wise that we will say to the author or the inventor, "for a limited period you shall have a monopoly under certain conditions of public use while your monopoly exists, and afterwards it shall be free."

So no confusion of ideas should be introduced into this debate based on the fact that we are now proposing to make the same treaty of monopoly with a foreign author that we make habitually with our own authors. We have led the way in regard to patent rights by which we have drawn into the advantage of this country patent inventions upon the principle of monopoly equivalent to our own, and the question then as to whether we should be at liberty to import also these manufactured inventions on a duty or because one would like to have one that was made by a Sheffield manufacturer instead of a Lowell manufacturer is wholly outside of the question of monopoly. It has no application. It is an invasion of it. If you do not wish to give a monopoly then do not give it, but do not say with one word "we give you a monopoly, provided, however, that manufactures made abroad and that are burdened here by a monopoly shall be evaded by introduction here."

What is the present law of copyright in England? No work whatever can be introduced into the kingdom that is a reprint of a copyrighted book in England under severe penalties that are inflicted. What is our proposed law? If we have a copyright authorship here, we do not allow an importation here on this or that rate of duty or on the question of taste and preference of an American author's book being printed abroad and being introduced here in evasion of the copyright of every author here. So that our present bill, I submit, does not involve any of the questions that have been introduced by the Senator from Ohio.

The great question how far we should extend this system of monopoly to foreign authorship and composition in various forms is one that has been much discussed, and we have never got to the point of real determination in this country that we would extend that monopoly. Of course it trenches somewhat seriously, if you please, upon the freedom and cheapness of the works here, because our cheapness grew

out of the fact that we took authorship without paying for it and printed the works here, and therefore it was a mere question of manufacture of type and paper and investment as to what the work would produce in the market here.

But we have come to this conclusion, I imagine. We have debated and debated and we passed this bill on every question that now is brought up for consideration unless it be the amendment proposed here by the Senator from Maine. We passed this bill in the Senate in the last Congress by a vote of 33 to 10, and here it comes again, the same bill in all its general features and on all these general contentions on one side or the other. It did not pass the other House when the bill was sent down at the last Congress. Now here comes up to us a bill, our Senate bill, in all its features, in all its substance, and in all the principles of duty and of obligation which have been brought to this point.

Therefore, Mr. President, I should consider that we would be placing ourselves in a very extraordinary point of view if we were to strike at the foundation principles as to whether we will give foreign copyright, when, after our debate, discussion, consideration, evidence taken pro and con, by a great majority, and really after debate was exhausted, and without contention, the sense of the Senate was fairly made up on that topic.

Now, Mr. President, at this stage of the session there arises a question of the wisdom of legislation. The great contention, the great area of debate in the public mind and in the two Houses of Congress and in foreign countries, in literature, in all the diversified forms in which the subject has received treatment, is now here I suppose a settled opinion of the Senate that this bill should be passed upon these general views, and at this stage of it there is introduced an amendment limited in its character and resting upon, we will say, very sound considerations.

It seems that although these photographers, etc., were protected in the right of copyright just as much I suppose as printers and book-makers in foreign countries, if it is reciprocal—and certainly we open here to lithographers and photographers, etc., the benefits of copyright—it seems the protected sanction by which importations of these copyrighted articles secured here, as I understand, may be printed abroad and introduced here. Am I right? The Senator from Maine can well assure me if I am. That is the proposition.

Now, I can not draw any distinction between the rights of these photographers and lithographers to vote these sanctions of protection that have been thrown over the larger subject of the printing of books. I have not the least idea, however, that there is lurking in the minds of the printers of books or the authors of books or in the committees of either House of Congress or in our discussion any desire or purpose to draw this distinction.

Then when the public mind of all engaged in printing, in authorship, in the various compositions that come within the copyright system, has been thus expressed, how does it happen that at this very last moment we are confronted with the question whether we shall preserve and secure in the present Congress the great general bill which we are so much interested in, or shall expose it to loss by the reopening of this amendment in the other House, on the general question of reconsideration of which we have an example here, especially from the Senator from Ohio on the general principles of our bill?

I have no doubt that the Senator from Maine is right in thinking that the very large and enterprising publications in his State exceed those of any other establishment, but I can not overlook the fact that in the State of New York and in the city of New York there are very important and interesting employments of industry and of trade upon these subjects of photography, etc. I have received their petitions and presented them; I have had interviews with the most intelligent gentlemen presenting their views, but I have been obliged to make this answer to them: "You come at a stage in legislation when at this introduction of your rights into the general establishment of rights which you sympathize with and wish to join in receiving these advantages, you jeopard that whole framework, and if it goes down at this Congress the whole structure must be built up, and we can not have any assurance that there may not be changes in public views and in relations of political feeling on these subjects." Therefore my answer has been necessarily, "This right of yours will be confirmed in all its phases, except this sanction, if this bill is passed, and by the passage of the bill and its becoming a law you place yourself upon the necessary footing of acceptance in an amendment of that law whenever an opportunity presents itself for that purpose."

Indeed, Mr. President, if I were to give my judgment here on this topic, I should say that, taking it altogether, the interest of these photographers in obtaining this amendment or a provision equivalent to their wishes at this session of Congress would be greater by this bill being accepted and becoming a law, and there being left present to both Houses of Congress nothing but a minor suggestion whether the law ought to be perfected in reference to these interesting and valuable industries and trades. No gainsay could be given, as I understand it, against the adoption, and then it would be a very different question in going from here under a separate bill that we adopt in their favor. It would go to the other House under entirely different circumstances from those in which this bill in its general frame and structure would go back there if so amended. Nothing there can be opened in the mind

or in the wishes of any legislator there. There will be no desire nor any freedom, as it seems to me, to treat a supplemental bill, as I should call it, otherwise than as necessary to the completion and perfection of the bill that has become a law, and thus the principle established.

That is my view. We understand very well what is the condition when we have before us in either House nothing but a question of conformity to the general established measure that has become a law by including what has been omitted by inadvertence or by inopportune-ness from the general bill.

I therefore must concur in the feeling, notwithstanding my great respect for the interests and wishes of the photographers in my own city and other parts of my State, in thinking that this is the best thing that can be done for the general proposition, and that the minor proposition will follow in favor of these particular industries as a matter of course.

Mr. PLATT. Mr. President, if I can have the attention of the Senator from Maine [Mr. FRYE] and the Senator from New Jersey [Mr. MCPHERSON], I wish to say just this about the proposed amendment. I think I agree that there may be a measure of justice in the principle which they are seeking to incorporate into the bill by these amendments. I doubt very much whether if these amendments should pass they would not do great injustice. In other words, I doubt whether the same language can be made applicable to protecting the printing of a book and protecting the printing of engravings, lithographs, chromos, and articles of that kind. There is a difference, an inherent difference, in the things to be reproduced. What the author does is to write his thoughts, the results of his observation and researches, upon white paper in written characters. That manuscript is not reproduced. The making a book of it can be done entirely independent of the author's work. His work is done when it is written on paper. The reproduction is not from the paper; it is from setting up type corresponding with the written characters which he has put on paper.

With regard to all this matter of the reproduction of engravings from steel or lithographing or chromo work, that is different. You reproduce that directly from the thing which the artist himself has prepared. In other words, the quality of the author's work goes on the stone or the plate of the steel engraving, and unless it is reproduced to a certain extent under his direction, or under circumstances which do not interfere with his idea as he puts it on stone, then the quality of the work is not going to be what the author desires it to be.

Now it is this essential difference between the two things which makes me feel that this amendment (aside from the fact that I think it imperils and endangers and defeats the passage of the bill) ought to be more fully considered in a committee that has an opportunity to understand the workings of the business and can produce such a provision as will take care of the persons engaged in the work without in any way destroying the quality of the art.

I am very sorry that these gentlemen came so late, that they did not come and be heard before the committee and explain to the committee the processes, showing what should be done in the way of protection of the American industry without destroying the quality of the art which had been produced by the person who received the copyright. As the Senator from New York [Mr. EVARTS] has said, there will certainly be a disposition on the part of everybody who is in favor of this copyright bill to do such substantial justice to anybody who comes within the principle which has been extended to the printers as can be done without doing injustice in other quarters.

Mr. MCPHERSON. Mr. President, if I understand correctly, the position taken by the Senator from Connecticut [Mr. PLATT], and certainly the position taken by the Senator from New York [Mr. EVARTS] who has just addressed the Senate, they fully concur with the idea that to do equal and exact justice in this bill the amendments offered by the Senator from Maine should be incorporated in the bill.

Mr. PLATT. No, I do not; not in the form in which they are presented.

Mr. MCPHERSON. As to the Senator from New York, I think he distinctly stated the fact that there was an evident justice in the claim made by the parties who are cared for in the amendments offered by the Senator from Maine.

Mr. EVARTS. The Senator is quite right in saying that I should wish to see the proposition of this protection. The Senator from Connecticut has now stated that it can not be effected by merely using the phrases of providing for it in the same terms that are provided for printers; and I admit that.

Mr. MCPHERSON. I understand the new position now taken by the Senator from Connecticut, which is practically that the work of lithographing, engraving, etc., is more an art matter than anything which appertains to the simple publication of a book, and therefore there is a very broad distinction between the two things. Both the Senators, however, concur in the idea and opinion that there must be something radically wrong on the part of the Senate attempting now, at this late day in the session, when nearly thirty days will elapse before the end of Congress, to do justice to these people who are here before Congress seeking justice.

If the bill passes it will work a great hardship and injustice to this particular class of people. If the bill should pass as it at present stands,

it makes an invidious distinction in favor of one class of our people as against another. Both are to-day protected by tariffs against the foreign manufacture. You propose now in this bill to create a monopoly as to the entire home production of the country, and then you do more than to interpose a tariff to prevent foreign importation; you prohibit it. That seems to me to be protection gone to seed; it is double-distilled protection; and for one I do not think that I can consent to such a proposition, even though the justice which the Senator from Maine and myself have asked for this particular class of people be accorded.

But as to the particular question that has been raised here touching the duty of the Senate at the present time with regard to the industries which have been named in the amendment offered by the Senator from Maine, I look upon it in this light, that no bill should ever pass the Senate until it is perfected in all its parts, until every defect is taken from it as far as it can be eliminated. Therefore it is that I think this amendment certainly should be put in by the friends of the bill.

Mr. PLATT. I should like to ask the Senator from New Jersey how he supposes that an etching of St. Paul's Cathedral in London can be made in the United States in order to obtain a copyright.

Mr. MCPHERSON. I suppose a photograph or draught or drawing of St. Paul's Cathedral could be made upon the other side of the water, and it could be imported into the United States, and if we have in this country 18,000 or 19,000 employes in an industry, many of them skilled workmen, I presume it can be as perfectly done by our skilled labor as it can be done abroad. There is an additional reason, under such circumstances as these, as it is certainly in the line of improving our skilled labor, why protection should be accorded to it more than to simply the setting of type and plate-printing.

Mr. PLATT. Suppose a man has attained in Europe very great skill and reputation as a steel engraver. He makes valuable plates. How could that engraving be reproduced here under the proposed amendment of the Senator from Maine unless that artist came here and prepared another plate in this country? I merely throw out that suggestion to show the difference.

Mr. FRYE. I do not see any difficulty about that.

Mr. MCPHERSON. If the Senator is not willing to confess that American enterprise, American genius, and American skill with a copy before it is not equal to the skill of foreign workmen, then I will concede that in order that we may have the better production perhaps there may be something faulty in the bill.

Mr. PLATT. Oh, that is not it at all; but this artist has a right under the copyright to have his work reproduced, and he controls the reproduction of his work. What the Senator proposes is that somebody else, not he, shall engrave the plate from which his work is to be circulated in this country unless he comes here and does it himself. It is some of these things which have made me think that while we might probably extend this principle so as to affect the workmen and publishers of this country it would have to be done very much more carefully than it will be done if we simply act on these amendments of the Senator from Maine.

Mr. MCPHERSON. What I complain of is that they have simply singled out the bookmakers and left everybody else without any of the protection that the copyright bill proposes to confer upon the book-makers.

The VICE PRESIDENT. The Chair has just received two additional telegrams bearing on the bill under discussion, and if there be no objection he will lay them before the Senate.

The Secretary read as follows:

Telegram from the treasurer of the Gravure Etching Company, of Boston, Mass., earnestly protesting against Senator FRYE's proposed amendment to the copyright bill.

Telegram from Arthur G. Everett, of the Boston Society of Architects, protesting, in behalf of the art societies of the country, against the lithographers' amendment to the copyright bill and expressing the hope that the House bill will be adopted.

The VICE PRESIDENT. The telegraphic memorials will lie on the table.

Mr. HAWLEY. Mr. President, I have been looking at the amendments, which I have copied into their appropriate places in the original text. I do not see that etchings are mentioned. Lithographs are mentioned. My colleague, it seems to me, is more than right in what he says in regard to etchings. I should as soon think of reproducing a man's penmanship here. You can not do it. You can imitate it. The etcher takes his plate, spreads on it a thin film of wax, and then with a fine needle marks through the wax until he has made the fine lines of his engraving. He puts on the acid and it eats into the plate. He does that by successive stages, for the light and dark parts, and the etching is then reproduced, the wax washed off, and the ink rubbed in. Now, that etching is exactly the man's work itself. In the case of a wood cut it is not so. The artist draws it with a fine pencil perhaps upon a block of wood or perhaps upon a piece of paper. Somebody copies that as well as he can upon the block of wood, and it is there cut out by some one else. But after the original artist has made his drawing upon the piece of paper, perhaps an exquisite female face or something of that sort, he says "good-by, my dear," because he knows the best engraver in the world will never copy that on a block of wood

and cut it out so that it will look just like his original drawing. So with regard to the lithographer.

Suppose a lithographer of extraordinary skill—and there are some—labors away upon the stone, and each curve and fine shading is the soul of the artist himself. Now, do you say that when prints come to be taken from that they shall not come to this country unless the plate, the stone, and all that, was written upon and painted upon or penciled upon in this country? Then you have to bring the artist himself over here, and he can not get a copyright upon it unless he comes over here and takes another plate of copper for his etching or another stone for his lithograph and does it over again, and the chances are he will never be able to reproduce his own work just as it was. Perhaps he will never do so well again in the world as he did on that etching, and he may copy it fifty times. It is the thing itself; it is the soul of the artist put on there that we see. It is not so much the case in wood engravings. They can be reproduced.

So I think it is an impossibility to carry out what these gentlemen desire in many respects. We can imitate. We can find chromos over there, and that is what we do now, innumerable lithographs and chromos of all sorts, and our people are now entirely free to take one of them and copy it as nearly as he can, or to take a pretty face or a pretty hand or a touch of a horse or a landscape or both combined, and all that. It is all open plunder to them. All the art of Europe is open to them, if I may be allowed to use the expression, to steal, to combine to steal, wholesale or retail.

Of course the copyright will more or less interfere with that, but I can not escape from the justice or the purpose of the proposed law. I believe there never has been a report of a committee in Congress against it. I never heard of one. I do not think you can get nine lawyers, authors, business men, anywhere in the United States; men having a good sense of ethics and morals, good common knowledge and common sense, who will hear this case and say it is wrong.

Now, the mechanics have settled all this without a row, with no commotion in any nation. They have settled it for themselves. It appears more obvious to the common mind that it is a right of the mechanic, when he has spent nights and days for weeks or years in devising some valuable little process, that he should then have the exclusive right to it. In fact, we have had that for more than a hundred years, and everybody has got accustomed to it and nobody thinks of making an argument against a patent. Yet we have settled that matter of international patents without any trouble whatever, without the necessity of any statute that ever attracted attention.

One is just as much a natural right as the other. The people who say that the author, the thinker, has no right to so much of his brain as he has put upon a piece of paper with a pen—the people who make an argument of that sort are very few; perhaps there are none of them. The old common law of England recognized a certain right of the author; the statute of England finally established it. Among the benefits which our people expected from the dissolution of all union between us and the mother country was that of a patent law, and the cheap, sensible, reasonable law of patents that we have had has done more than any other one or five statutes upon the book to advance the progress, I may say, of civilization in the United States, aside from the great moral causes.

We have become distinguished above and beyond anything ever known in history for our inventive power, until it was an Englishman who said that the American invents as the Greek sculptured or the Roman painted. It is genius; and that we owe to a measure of protection which is like that which we have established for our authors that we are willing to exchange with foreign authors. Why should it not be that we should so arrange our laws that Tennyson, who has delighted the world and whose works will delight the world for centuries to come, may have 5 or 10 per cent. upon his books that have been republished here?

Can anybody tell me a reason in the world why it should not be done? It is so with Lowell, and Whittier, and Holmes, and all our own distinguished literary men here, and they are willing for the exchange. They get in return for it the privilege of copyright in England, and is not that fair? Is there any pleasure to an author in finding that he has written a valuable book, not alone a delightful poem, which is in its own way of no great value pecuniarily, not alone a short poem, drama, or tale, but who has written a book of great instruction, a book on some branch of mechanics, some branch of science, a legal or medical dictionary, that landing at Liverpool, that which had cost him years of observation and upon which he made a few thousand dollars in the United States, is hawked about there at one-tenth the price, with nothing coming to him? Is that fair?

There have been more than a hundred international copyright agreements made, and yet the United States has never been in one of them, but we profess to be, and we are in reality, among the most advanced peoples in the world in the things that make up intellectual and moral progress; and now it is time that we put ourselves in the right category.

I am sorry that a measure has come up here so late that has a shadow of injustice in it, because I thought we were just on the verge of that which will be a milestone and a monument honorable in the history

of the country. I need not make a reference to the proceedings of the other House, but the bill comes to us here under fine auspices, with all sails set and making full progress, and now we are met by a certain class of our excellent fellow-citizens, some of them my own citizens and my own neighbors, who, after six or eight or ten years, I might say fifty years, of agitation, but six, eight, or ten years of continuous agitation here in Congress, have just at the last moment, since the bill came to us from the House of Representatives, discovered that they are in a measure omitted. They are not so much omitted as they think.

English objection is made to this bill on the ground that it will transfer the work of publishing, the typesetting, and the presswork, and all the whole mechanical operations here to this country. That is their objection to it. Beyond doubt I think it will increase it on the whole. To be sure we are at liberty now to plunder all we please, but it will give us a better class of books, and will give us at the same time just as full a supply of cheap books, in my opinion, as we are now getting.

It is said we shall not get any more of these cheap books. The 10-cent edition of Macaulay's History of England or of Shakespeare has gone out of fashion, anyhow. It was printed in very inferior type, upon the cheapest kind of paper. You notice we do not get anything now for less than 20, 25, or 50 cents. The cheap Munroe, the cheap Seaside, the cheap Franklin library is vanishing. People want a better class of books, and they are willing to pay 25 or 50 cents for them.

Now, the authors who want to make money, and I do not know any one who does not, and if there is such a one he has a wife or somebody around him who wants to make money—a man who wants to make money will not only have handsome editions, published here, as they do to some extent in England, a fine edition, five or six dollars a volume, but he will do, as they are coming to do there: have a 50-cent edition printed, upon which he will get his 5 per cent., his 10 per cent., just as easily as upon the other. But that book will be published by the hundred thousand, and the odds are that he will make more out of his 25-cent edition than he did out of the \$5 edition. He will, of course, because he will sell fifty times as many copies.

If Rider Haggard had been able to get a copyright here he would possibly have published a \$2 edition, but he would have been delighted to get 5 cents a copy on the several hundred thousand of his books that have already been sold here. And it may have been that in so many sales the people would not have suffered, nor would they have known it. The 25-cent book will not change, in my judgment, in price to the people by reason of this bill when there will be a 5 or 10 per cent. toll taken out of it. It is probable it did not cost more than 5 or 8 cents, and with only a couple of cents for compensation to the author it will be about the same price it was before.

I see every reason in the world for the passage of this bill, and I should be very sorry and I think it would be a very sad day when that bill, substantially in the form that we have passed it by 38 to 10 and by like majorities, which came back from the other House, where we have been hopeless of it, should come back here, as I said, with every sign of prosperity, and be killed in the house of its original friends because it is not perfect. It is as near it as the hammering of the author, the publisher, the typesetter, the pressman, the binder, and the engraver has been able to make it.

The engraver has not been in it so much, but it is his own fault. He has had ten years of constant advertisement in the halls of Congress until the measure is pending now, and I do not see the necessity that the friends of this amendment see in their proposition. But let us drive a stake, let us lay a corner stone, and then we will address ourselves as soon as may be to the correction of any errors in what we have done. Let us gain the one great point, let us make the acknowledgment of what I consider common justice in this great matter.

Mr. FRYE. Mr. President, this bill protects type-printing, book-publishing, books written in a foreign country by a foreign author. There can none of them be sold in this country unless they are put in type here, the plates made here, and the printing and manufacturing of the books done here. Now, I say it is a gross injustice to stop at that. There is the same reason exactly why the inventor, the designer, the proprietor of a map, chart, musical composition, engraving, cut, print, photograph, chromo, or lithograph, if copyrighted in this country, should be compelled to employ the labor of this country to make the engravings, chromos, and lithographs. The same rule which should work for printing works ought to apply to him.

I do not think the two Senators from Connecticut really mean to be understood to say that this amendment will not do what these gentlemen desire to be done. I examined this bill for the purpose of amending it when the proposition was sent to me a month ago. I notified the chairman of the committee that I should offer an amendment at that time to the bill, and I drew up an amendment. I thought it was sufficient. Subsequently the lithographers had a committee appointed, and they examined the bill with great care and drew up amendments that were satisfactory to them and the people engaged in that business in this country generally, and submitted them.

A criticism was made of one amendment, and then they revised their work and finally settled upon the amendment which I have offered. Now they are entirely content with the amendment. If it does not

do for them what they expect it to do it is their own fault. All that they ask is that the Senate shall adopt the amendment in the protection of their interests as they have offered it.

There is but one answer made to it in the Senate really, and that is that there is something about this bill which ought to prevent any amendment being made to it whatever. It is entirely clear to my mind that the criticism made by the Senator from Minnesota [Mr. DAVIS] is right; that "or" is a disjunctive and that it should clearly be "and." I have not the shadow of a doubt about it in my mind that in that regard the bill ought to be amended and "and" inserted where "or" is.

Is it possible that there is something so sacred about this bill that it must go as it is, right or wrong, that it must be sent back without amendment to the other House when we have almost a month, twenty-odd days now, in which to settle all these matters in the two Houses? There is not an appropriation bill that will be before the Senate that will not be amended. There is hardly a Senator on this floor who will not offer amendments, and important ones. I do not believe there is an important bill in our Order of Business that will not be amended. Why should this of all other bills be selected as the only one that is so sacred that it can not be amended?

A gentleman in Boston (and about all these telegrams came from Boston, I see, that came here to-day) wrote me a few days ago that he was dreadfully sorry that I, a son of the Pine Tree State, should have brought dishonor and disgrace upon our dear old State—he being a Maine man—by offering an amendment to the copyright bill. Only think of the assumption and the presumption of these gentlemen who insist that this is a sacred bull.

Mr. HOAR. He was only a Maine man who went to Boston?

Mr. FRYE. He was a Maine man who went to Boston.

Mr. President, the amendment I offer is just, it is fair. Every friend of the copyright bill admits that it is just, and the objection really is the one made by the Senator from New York [Mr. EVARTS], that if you do amend the bill it may be that it will be hazarded. That is a good objection, if good in this case, to any bill that is before Congress.

Mr. PLATT. May I ask the Senator a question?

Mr. FRYE. With pleasure.

Mr. PLATT. A great artist has just died, Meissonier. Does the Senator think it would be just to deny to Meissonier a copyright in America unless he came here and prepared here the plate from which his engraving was printed or unless he submitted to have somebody else prepare a plate from which his engraving was to be printed in the United States? Is that just to him?

Mr. FRYE. I do not see why it is not, just as much as it is just to an author who has died, that his book shall be copyrighted and somebody shall print his book in this country.

Mr. PLATT. But can not the Senator see the difference between the author who simply writes words and sentences on paper and the artist who puts his thought on a plate?

Mr. FRYE. I do not understand that the artist or painter himself is engaged in that business. I understand that he has workmen who do that on the plates almost entirely. You may go to Rome to-day and go where artists are making the finest statues there are in the world, and you will find the artist is not doing the work at all. It is done by men employed by him by the score, and to some of them he is not paying over 50 cents a day to do the work on his statue.

Mr. HISCOCK. Mr. President, I must confess that the only criticism I am able to make upon the bill is that suggested by the Senator from Ohio [Mr. SHERMAN]. As I understand his point it is this: that, adding duty, the American citizen should be enabled to buy an author's book of him as cheap in New York as in London; and that is the point he makes. Narrowed down it comes precisely to that point; and I confess that as it is stated it seems very reasonable. If I believed that there would be any very great amount of abuse under the bill, enough to justify hazarding it by sending it back to the other House if an amendment providing for that were not adopted, I certainly should vote for an amendment of that kind.

My objection to the proposition of the Senator from Maine is that the bill goes still further, as I understand it, and absolutely excludes all engravings of all these works of art which he indicates from our markets and from our citizens if the author copyrights them here.

Now, there is this difference between the claims of those gentlemen and of the authors: There is in this bill the principle of reciprocity. So far as the British or foreign authors are concerned we give them something in consideration of something they give to our authors. I do not understand that there is any considerable exportation from this country of the other works of art indicated in the amendment proposed by the Senator from Maine, and I do not understand that for the purpose of entering into and sharing the foreign markets the engravers, the photographers, the lithographers, desire this amendment at all. They do not desire it for the reason that the American authors desire it.

The American authors desire this bill because it gives them protection of their brain work in Europe. It is an exchange between them and the foreign author and for that reason they want it. They are willing to give to the foreign authors this market or this protection provided they can have that abroad.

Now, the engravers and the photographers ask this amendment because they ask prohibition. That is the ground upon which they ask it, and for nothing else.

Mr. FRYE. It is no more prohibition than in the case of books.

Mr. HISCOCK. I concede that there is no more prohibition than in the case of books, but there is this difference between the two, that there is no reciprocity in respect to engravings and photographs. These people do not want entrance into the foreign market to sell their engravings or to sell their photographs.

What I say is this, that the authors of a map, a chart, a dramatic or musical composition, engravings, cuts, prints, photographs, chromos, or lithographs do not come here and ask the amendment proposed to the bill for the sake of insuring them an entrance into the foreign market, but they come here and ask it because they find a provision in the bill that if they can be injected into it is practically prohibition upon goods that compete with them if the authors of them are copyrighted. Now, I concede the same is true as to books. I admit that the provisions are the same, but the distinction between the two is, as I have stated, that in respect to one there will be actual reciprocity and in respect to the other there will be none.

We have a provision in the tariff providing that all these foreign importations shall be subject to a tariff tax of 25 per cent. ad valorem. So far as lithographs are concerned, so far as maps and photographs and the bare printing of books are concerned, that tariff tax is enough to protect the American authors of all those books. There is not any doubt about it. It is correct to say that lithographing and engraving at this time are prosperous in the United States and largely increasing. I am glad of it and I want it to be so; but there is no reason why we should practically establish a prohibitory tariff in respect to the works of our artists, and there is no reason why we should establish practically a prohibitory tariff in respect to the printing of our books. I concede that.

But there is this difference further, as it seems to me, that in respect to the brain work which is exhibited upon these different works the law should go further in respect to books than it does in respect to the works of the artist. I feel justified in the statement I have made that the claimants for this amendment are here asking it because it is in the direction of prohibition, and I feel justified in claiming further than that that so far as the real artists are concerned they are not in sympathy with the amendment.

So far as I have come in contact with those gentlemen—and I have seen considerable of them within the last two or three years in connection with the tariff bill—they are practically unanimous in favor of free art.

Their petitions have been presented here in that direction. I am justified in saying that among our artists there is no exception or scarcely any in that direction, and yet, confronting that fact, an amendment comes here which is practically prohibition.

Mr. BLAIR. May I ask the Senator a question? Are these artists of genius in favor of free copies of their art or only in favor of the admission of original works free?

Mr. HISCOCK. My recollection of the provision adopted by the other House was that it was very broad, and it was not limited in the direction which the Senator from New Hampshire suggests.

Mr. BLAIR. I think that the distinction right there is one that is analogous to this making of books, if they do not want their copies. It seems to me that so far as the relation of the industry of making books in the Old World and of making books in this country is concerned the analogies of the tariff apply absolutely. So far as the creative force exercised by the author is concerned there may be a difference, but this bill is not in its essential character a bill for the protection of authors.

It does protect authors undoubtedly, but we all know, in this great business, which is made by the concurrent action of the author or the creator of the original idea or model and the publisher, who conducts an industry, like the raising of potatoes or of wheat or the manufacture of furniture—in this great industry, formed by the union of the author with the mere business producer, at least 95 per cent. is owned by the publisher, and we are protecting that 95 per cent., if not 98 per cent., by this bill. It is really a bill for the protection of the bookmaking industry in this country very much more than it is a bill for the protection of this creative force that exercises itself in the brain of the author and finds its way into tangible form through the pen of the writer.

I think that we ought to consider this difference, and in the effort to protect the poor author, if a bill were prepared simply and solely for that purpose, which is the ground upon which this bill appeals to us for its enactment into a law, I think we might accomplish our object much better in some provision for royalty, leaving all business men to compete in the market for the production of the book in our own country, if the author be a foreign one, but upon condition that every man who makes a book and sells it shall pay to the author some stipulated sum, and that any other publication which he does not sanction or that the publisher, the bookmaker, does not give to him the rate per cent. or the royalty, whatever form it may assume, prescribed by law, or which the author, if it be left to his voluntary agreement, may

see fit to take, stipulating that the law take the same from one man as another.

The right to create and publish and spread intelligence should be one which everybody could compete for, as in any other industry. I say if we did that we would take care of the author, and we would do the thing we claim we are undertaking to do and desire to do, while we would leave this great industry of bookmaking to stand in relation to the foreign industry of bookmaking upon the principles of the tariff itself. So that if in the Old World they choose to set up the plates of a book and bring them here to sell or manufacture for others to sell, we could impose a certain amount of duty either upon the book or upon the plate or upon the original of the lithograph or in whatever form these, when combined, constitute the literary production. In that way we would protect our American printer, we would protect our American papermaker, we would protect our American publisher, and in all that industry which is analogous, and, if the authorship be eliminated, precisely analogous to any other industry, we would protect our labor and protect our capital, just as we protect by the tariff labor and capital invested in any other business.

That, sir, it strikes me is the kind of copyright bill we ought to enact. We ought to take care of the author, insist that whoever makes his book or publishes his lithograph, or whoever publishes, circulates, and distributes a copy of his painting or of his statuary, anything which contributes to the development of the intellectual and moral and aesthetic nature, all having the right to do it with free competition, shall pay some reasonable sum, either stipulated by law or such as may be agreed upon by himself and those who undertake to circulate his intellectual productions.

In that we have taken care of the author, and we have avoided this great evil, which is my objection to this bill, that if we enact this into law we have placed it in the power of 95 per cent. at least of the capital that is involved in the bookmaking business, with that tremendous monopolistic power which is mainly in the possession of a very few publishing houses in this country, as we know, to increase *ad libitum* the cost of intelligence to the mass of our people.

I am afraid this bill has something in it that is radically wrong, because we fail to make the distinction between authorship and the practical everyday business of bookmaking, which is just exactly like any other business.

So far as the suggestion is concerned that this bill must not be amended, that suggestion comes from one Senator from Connecticut, which seems to indicate a remarkable obliviousness on his part. If this bill can not be amended, then how can the labor bill be amended? We have spent two or three days in efforts to amend the labor bill over and over, everything of the kind carrying it back to the House, and I have agreed to a multiplicity of amendments, hoping to get it at last in some form so that the House of Representatives could touch it and could agree upon something which we would submit to them.

Mr. PLATT. I should like to ask the Senator what has been the result of the amendments to his bill?

Mr. BLAIR. Heaven only knows. I find myself at last by these same Connecticut Senators subjected to this situation. I find that bill recommitted by the vote of this same Senator who most seriously objects to this bill being amended. I can not get out of that fix, and I am obliged to supplicate and to beg of my committee and of every leading Senator on the floor, after recommitting this bill to the committee and ousting it from our regular order of business, to get it back here, to get a hearing, and to get an amendment in the end that will enable it to go to a committee of conference.

That is a bill of great consequence. It involves the idea whether the eight-hour law, which we enacted, lo! these twenty-odd years ago, which has been construed by one act of Congress since, by sundry executive proclamations, and by a resolution passed by the House of Representatives in 1878, and in addition to all that has been acted upon in four-fifths of our business transactions with laboring men since that time—whether the construction placed upon it is to be reversed or whether its natural and its conceded construction during these twenty-odd years is to be applied to this remaining contingent of our laborers; and Senators who have opposed the bill have produced here something that they tell me if I will get it reported from the committee they will agree to. They are so very kind and conciliatory as that. I am going to get it reported if possible. The Committee on Education and Labor is obliged to submit to this sort of thing.

Why this distinction between bills which come here? One of them advocated by the great centralized, capitalistic, monopolistic publishing interest in this country, and the other by a few poor, half-starved servants of the Republic. One must be amended, one must be kicked about the Senate Chamber, one must be obtained if possible by every hook and crook and stratagem that can be resorted to, and finally I have put into my hand what will be agreed to by the opponents of the bill. If I can get that through, very well. I will try to do that.

I think this aristocratic bill, giving the authors of the world 1 or 2 per cent. protection and those who print their books and get rich out of their brains, 95 to 98 per cent., may very well be amended in this particular which is urged by the Senator from Maine [Mr. FRYE], and nobody says a thing against this act of justice except the possibil-

ity that the bill will have to go back to the House of Representatives for concurrence in the amendment. I can see no reason why we should not do it, and I warrant you, Mr. President, that bill will get through whether the labor bill does or not. There will not be the slightest difficulty about it. Just as soon as we adopt that amendment the Senator from Connecticut will move that the Senate insist on its amendment and ask for a committee of conference, and it will not be twenty-four hours before that will be agreed to, and it will not be forty-eight hours before it will be law. There will be no difficulty about it. I wish I felt as sure of getting the labor bill through as I do that this bill will succeed, no matter how much it is amended.

Mr. CALL. Mr. President, this bill contains three distinct provisions which have no possible connection with each other, and one, and only one, which has any relation to the compensation of an author for the product of his brain. The bill provides that a foreign author shall have the exclusive right of property in this country to sell his book to another person, who may or may not publish it, as he sees fit, and may charge such a price to the American reader as he thinks proper. It provides that this shall be done subject to the condition that the book shall be printed in the United States from material obtainable here.

The bill has another provision, prohibiting the importation of all books except those that are printed in this country and from material obtainable here. It does provide that the American people shall not have the privilege of acquiring knowledge from any book except at the prices fixed by the foreign author from material obtained and work done in this country. What connection has that with the compensation to an author and with the encouragement of science and invention? They are entirely separate and distinct subjects, the one having no kind of connection with the other, and all of them looking to the end of imposing upon the great mass of the American people conditions of possible hardship by excluding competition.

What reason can be given for the proposition, when an American publisher shall say to the purchaser from the foreign author of this exclusive right, "I will furnish to the American people this book at one-half the cost at which you are selling it," or the law shall say to him, "You shall not do it," for assuming in the beginning that it is impossible for the American publisher to do that?

Mr. President, it appears to me that this is the most unreasonable bill that has ever been presented. It may be a positive limitation upon the rights of the American people to acquire learning.

The cheaper a book can be published, unquestionably the better for our people. It is altogether reasonable that the purchaser from the foreign author of the book, of the work of his brain, will say, "It is true that you can print this book at one-half the price that I am publishing and selling it for, but it is also true that it is more profitable to me to print a small number and obtain a higher price from a more limited and wealthy class of readers than to publish the cheapest edition for the whole people." That is a proposition that may be true; but it can be no more said in regard to books than anything else, that to narrow competition, to exclude competition, is the best method of obtaining the cheapest price and the best article for the public.

But, Mr. President, there is no connection between the proposition to give an exclusive right and monopoly to a foreign author and the purchaser from a foreign author in this country upon conditions that the American publisher, the American printer, the American typesetter, shall have the exclusive right to publish this book and the American reader shall be prohibited—for that is the effect of this bill, to prohibit the American people, the poor men of the United States from acquiring knowledge from any ideas that may be discovered abroad, from any work of genius, of philanthropy, of economy, of science that may emanate abroad, unless it goes through the hands of an American mechanic, an American printer, an American publisher. If it be desirable to say that this limitation shall be imposed upon the opportunity of the American people to acquire information, that is one thing.

As the Senator from New Hampshire [Mr. BLAIR] well said, it may be provided for in different methods; but it has no connection with the proposition of providing an adequate compensation to a foreign author as an encouragement to invention and to science. It has no connection of any kind with that idea.

I think that this is not a bill in its present shape which ought to receive the favorable consideration of this body. I believe that this is an age of learning and of progress on the part of the people and not of privileged classes, and that the doors of education should be thrown wide open and human thought should be allowed to course unimpeded throughout the world and every possible effort made to bring it to the minds of the poorest and humblest of the people, and at the smallest possible cost.

That is entirely consistent with giving to the author of a book or the designer of a work of art an abundant compensation for his work. Then, if we shall say that this system of imposing conditions of publication here of higher price, of greater cost, of better quality, will result from limiting in this country the sale of the foreign book as published abroad, let a bill be provided for that, but do not mix up these things here. The two have no connection with each other and, in my judgment, this bill ought not to be passed.

The PRESIDING OFFICER (Mr. SPOONER in the chair). The ques-

tion is on the amendments of the Senator from Maine [Mr. FRYE], which by unanimous consent are considered as one amendment.

Mr. REAGAN. Mr. President, before the vote is taken I desire simply to say that I shall vote for the amendment offered by the Senator from Maine [Mr. FRYE] not because I approve of it, but because, if the provision contained in the bill for the benefit of printers is to be kept there, the other provision ought to go. I wish to state, however, that if that amendment shall be adopted, and whether it is or not, I shall vote against the bill if either the provision now in it with reference to the interest of printers or the amendment of the Senator from Maine is adopted.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In section 3, line 23, after the word "book," it is proposed to insert "map, chart, dramatic or musical composition, engraving, cut, print, photograph, chromo, or lithograph;" so as to read:

Provided, That in the case of a book, map, chart, dramatic or musical composition, engraving, cut, print, photograph, chromo, or lithograph, the two copies of the same required to be delivered or deposited as above shall be printed from type set within the limits of the United States, or from plates made therefrom.

In section 3, line 26, after the word "therefrom," it is proposed to insert "or from engravings, cuts, negatives, or drawings on stone, made within the limits of the United States, or from transfers made therefrom;" so as to read:

The two copies of the same required to be delivered or deposited as above shall be printed from type set within the limits of the United States or from plates made therefrom, or from engravings, cuts, negatives, or drawings on stone made within the limits of the United States, or from transfers made therefrom.

In line 28, in the same section, after the word "book," it is proposed to insert "map, chart, dramatic or musical composition, engraving, chromo, or lithograph, cut, print, or photograph;" so as to read:

During the existence of such copyright the importation into the United States of any book, map, chart, dramatic or musical composition, engraving, chromo, or lithograph, cut, print, or photograph, so copyrighted, or any edition or editions thereof, or any plates of the same not made from type set within the limits of the United States, shall be, etc.

In section 3, line 29, after the word "set," it is proposed to insert, "engravings, negatives, or drawings on stone made;" so as to read:

Or any plates of the same not made from type set, engravings, negatives, or drawings on stone made within the limits of the United States, shall be, etc.

In section 3, line 35, after the word "book," it is proposed to insert "map, chart, dramatic or musical composition, engraving, cut, print, photograph, chromo, or lithograph;" so as to read:

And except in the case of persons purchasing for use and not for sale, who import not more than two copies of such book, map, chart, dramatic or musical composition, engraving, cut, print, photograph, chromo, or lithograph at any one time, in each of which cases the written consent of the proprietor of the copyright, signed in the presence of two witnesses, shall be furnished with each importation.

Mr. GORMAN. Is the vote to be taken on the entire amendment?

The PRESIDING OFFICER. By unanimous consent the amendments were agreed to be treated as one amendment.

Mr. FRYE. I prefer to take it as one amendment because it effects just one purpose, that is, putting the lithographers and photographers on the same scale with printers. It is really one amendment. It does not change the bill in any respect, except to place the lithographers and photographers on the same level with printers.

Mr. GORMAN. Let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from South Dakota [Mr. PETTIGREW].

Mr. CASEY (when his name was called). I am paired with the Senator from Florida [Mr. PASCO].

Mr. CULLOM (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY].

Mr. DOLPH (when his name was called). I am paired with the senior Senator from Georgia [Mr. BROWN]. I withhold my vote unless it is necessary to make a quorum.

Mr. HISCOCK (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES]; otherwise I should vote "nay."

Mr. McMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE].

The PRESIDING OFFICER (Mr. SPOONER in the chair, when his name was called). The occupant of the chair is paired generally with the Senator from Mississippi [Mr. WALTHALL], who is absent from the Chamber, and the occupant of the chair is therefore not at liberty to vote.

Mr. TELLER (when his name was called). I am paired with the Senator from Louisiana [Mr. GIBSON]. If he were present, he would vote "nay" and I should vote "yea."

The roll-call was concluded.

Mr. DAWES. I transfer my pair with the Senator from Georgia [Mr. COLQUITT] to the Senator from Rhode Island [Mr. ALDRICH] and I vote "nay."

Mr. DIXON. My colleague [Mr. ALDRICH] is paired with the Senator from Georgia [Mr. COLQUITT].

Mr. COCKRELL. I am paired with the Senator from Wyoming

[Mr. CAREY], who is in favor of this bill and I suppose would be opposed to any amendment to it.

Mr. PADDOCK. I am paired with the Senator from Louisiana [Mr. EUSTIS].

The result was announced—yeas 27, nays 24; as follows:

YEAS—27.

Allen,	Daniel,	Manderson,	Reagan,
Allison,	Davis,	Mitchell,	Sawyer,
Berry,	Frye,	Morgan,	Sherman,
Blackburn,	Gorman,	Pierce,	Shoup,
Blair,	Hale,	Plumb,	Squire,
Chandler,	Ingalls,	Power,	Turpie.
Coke,	McPherson,	Ransom,	

NAYS—24.

Bate,	Faulkner,	Hoar,	Stewart,
Carlisle,	George,	Jones of Arkansas,	Stockbridge,
Dawes,	Hampton,	Morrill,	Vest,
Dixon,	Harris,	Platt,	Warren,
Edmunds,	Hawley,	Pugh,	Washburn,
Evarts,	Higgins,	Quay,	Wolcott.

ABSENT—37.

Aldrich,	Colquitt,	Kenna,	Stanford,
Barbour,	Cullom,	McConnell,	Teller,
Blodgett,	Dolph,	McMillan,	Vance,
Brown,	Eustis,	Moody,	Voorhees,
Butler,	Farwell,	Paddock,	Walthall,
Call,	Gibson,	Pasco,	Wilson of Iowa,
Cameron,	Gray,	Payne,	Wilson of Md.
Carey,	Hearst,	Pettigrew,	
Casey,	Hiscock,	Sanders,	
Cockrell,	Jones of Nevada,	Spooner,	

So the amendment was agreed to.

Mr. SHERMAN. I now offer the amendment which I suggested awhile ago. On page 4, line 31, of section 3, I move to strike out "prohibited" and insert "subject to the duty provided by law," and in line 30 the words "it is" should be changed to "they are," to correspond with the amendment I propose.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In section 3, line 30, after the word "and," it is proposed to strike out "it is" and insert "they are," and in line 31, after the word "hereby," it is proposed to strike out the word "prohibited" and insert "subject to the duties provided by law;" so as to read:

During the existence of such copyright the importation into the United States of any book, map, chart, dramatic or musical composition, engraving, chromo, or lithograph cut, print, or photograph, so copyrighted, or any edition or editions thereof, or any plates of the same not made from type set, engravings, negatives, or drawings on stone made, within the limits of the United States, shall be, and they are hereby, subject to the duties provided by law, except in the cases specified in section 2505 of the Revised Statutes of the United States.

Mr. CARLISLE. Is it the intention of the Senator from Ohio to admit free of duty all the other books provided for in the remaining part of that section?

Mr. SHERMAN. If this is adopted I propose to leave that provision about free books, "except in cases specified in section 2505," and strike out "except in the case of persons purchasing," etc., in line 33, to make it conform to the amendment I have offered.

I will state, as several Senators are now present who were not here when I called attention to it before, that under the section as now framed, not only is a foreign author entitled to come into our country and secure a copyright, an exclusive right to print his book in our country, but he may contract with anybody to do that, he may give the Harper Brothers, one of the largest publishing houses in our country, an exclusive right to publish that book in the United States. To that extent it is a monopoly, and nobody could publish the book except the Harpers; but the next section provides in effect that a book printed in any foreign country shall be absolutely prohibited, and a copy of it can not be got at any price whatever. It is absolutely prohibited unless the owner of the copyright consents to it, and then it can be got only to the extent of two copies. So that it is a prohibition absolute and complete.

On the contrary, I propose that this same book may be imported, because it makes no difference to the author whether his book is sold in America or in England, for he gets his royalty, profit, or whatever it may be called in either event. The provision as it now stands gives to the printer who secures the contract with the author an absolute and close monopoly, so that no importation can be made into this country. Whatever may be the difference in the editions published or the character of the illustrations, or however strong a desire any citizen may have to import a book, he can not do so. In other words, it puts foreign books as against this copyright upon the prohibition of opium or any other immoral or improper importation. The duty now on books is 25 per cent., and in this way undoubtedly the foreign author, by having a stipulation with the publisher in this country, and giving him a monopoly in this country of publishing his book, would divide the profits between them, the difference between the foreign price and American price.

Mr. PLATT. This amendment, of course, is in absolute hostility to the idea of giving a foreigner a copyright in this country or an American a copyright abroad. This amendment, if adopted, would kill copyright in this country by any foreign author, and consequently would

kill American copyright abroad. The proposition is to pretend to give a foreigner a copyright in this country, which is the right to sell his book in this country, and the exclusive right to sell his book in this country, or to make contracts with other persons to publish and sell his book exclusively in this country. That is copyright. Anything less than that is not copyright.

Now, the proposition is that, having pretended to give him an exclusive right to sell his book in this country, an exclusive right to make a contract with another person to publish and sell it, the book may be sold in this country by anybody who can buy it in a foreign market, bring it in here, paying the duty, and sell it. That is not copyright. It is a mere question of the price of books in this country. That is all. It does not in any sense establish the idea of copyright in this country for foreigners or secure to American authors copyrights in another country. It is hostile to the principle of the bill and destroys the principle of the bill.

This is a great question, and the question is fundamental. It is whether an author has the right of property in the reproduction of what he has produced. The Senator from Ohio says he has not, that anybody may bring it here. It makes no difference if the book has been copyrighted abroad, the copyright in America is worth nothing to him. The idea of saying that if the author does not make a contract for the publication of his book, which can not be undersold by a foreign book, he shall not have any right in this country, is a mere delusion, and he is no better off.

The bill will give the foreign author nothing in this country which he does not now possess if the amendment of the Senator from Ohio is agreed to. The book is now published abroad. It is brought here and sold here. He gets his pay for his foreign copyright, and if he can not make a contract here for this market exclusively, he gets nothing more than he gets now.

I insist, Mr. President, that the matter of copyright is one of great benefit. We hear the complaint every day that we have no American literature. Why not? Because we do not protect American authorship and American literature except in this country; because under the laws as they exist now the American author can have no right in his property abroad, and the inducement to authorship and the inducement to create a better and a higher class of literature in this country is limited by what he can get in the markets of this country for his work, subject to the influx of foreign literature.

Nothing, in my judgment, will tend more to build up this country in its intellectual, its moral, and its material development than the extension of copyright to foreigners in this country, so that our authors may have copyright in foreign countries, so that the property, property with all the essential elements of property, of a man residing across the line in Canada or across the ocean in England, or in France, or in Germany, shall not be stolen the moment it is transported to this country, and so that the property of an American citizen shall not be stolen the moment it is transported across the water. Protect this property and you will begin to develop an American literature, one of which we shall be proud, one which will do as much towards the material development and progress of this country, perhaps, as the protection of inventions has done for it.

I am simply astonished, Mr. President, that any one should talk about giving copyright in America to a person not a citizen of America, which is the exclusive right to control the sale of the reproduction of his book, and then say that right shall be interfered with by any cheap literature which may come here from abroad. The two things are inconsistent. They are utterly hostile to each other. It is not copyright if this amendment is adopted; it is a delusion and a sham.

Mr. CARLISLE. Mr. President, I am in favor of reciprocal international copyright, and by that I mean a law or a code of laws under which an author in one country can have his work copyrighted in another country, and secure for himself for a limited time the exclusive right to publish and sell it, or to transfer that right to some one else, to be held and enjoyed during that time, and under which the works thus copyrighted may be interchanged between all the different countries in which the copyright exists, as any other articles of merchandise may be exchanged. If that is not what is meant by reciprocal international copyright, I do not understand the meaning of the term.

I voted against the amendment proposed by the Senator from Maine [Mr. FRYE] because, being in favor of the principle embodied in this bill so far as it relates to the protection of the rights of authors themselves, I was disposed to let it pass the Senate without amendment; but inasmuch as the Senate has seen proper to adopt all the amendments proposed by the Senator from Maine, I consider it my duty now to vote for every amendment which in my opinion will improve the bill, and shall do so.

The Senator from Connecticut [Mr. PLATT] insists that the adoption of the amendment proposed by the Senator from Ohio [Mr. SHERMAN] is absolutely fatal to the bill and is equivalent to its defeat. So far as this bill relates to the rights of the author of literary works, the amendment offered by the Senator from Ohio does not affect it in the least degree whatever, but so far as it relates to the protection of the publishers of their works in this country, I concede that the amendment offered by the Senator from Ohio does affect it. The right of the author is—

Mr. CULLOM. I did not hear the last sentence. Will the Senator please repeat it?

Mr. CARLISLE. I say that so far as the bill relates to the rights of the authors of literary works and the profits of the authors of literary works it does not affect this bill in the least; but I admit that so far as the bill relates to the protection of the publishers of these works in this country it does affect their interests under this bill, but not seriously.

The right of the author is the right to have his book copyrighted, for instance, in England, France, or Germany, carrying with it the exclusive right to publish and sell it in that country. If he procures a copyright in the United States, he acquires also the exclusive right to publish and sell it in this country. What difference does it make to him whether the book which he has thus copyrighted in all the countries is sold first in England or France or Germany, or is sold first in the United States? If sold in either country he gets what he has contracted to receive from the publisher, or, if he is himself the publisher, he receives a profit upon his book. If it is published in England and sold there by a publisher who has acquired from the author the right to sell it upon the payment of a consideration and then is imported into the United States and sold here again, how, I ask the Senator from Connecticut, is the right of the author affected?

Mr. PLATT. If the Senator will allow me—

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Connecticut?

Mr. CARLISLE. Certainly, because I want to get at the exact operation of this amendment.

Mr. PLATT. What does the author get by a copyright in America in that case which he does not get now?

Mr. CARLISLE. He gets nothing now.

Mr. PLATT. He gets the sale of the foreign books here.

Mr. CARLISLE. He gets the benefit of the sale of the foreign book here, but he gets nothing from the American publisher under the law as it now exists if he sees proper to republish his book in the United States, but this proposed law protects him in that regard.

Mr. PLATT. He would not get anything from the American publisher in that case.

Mr. CARLISLE. The very purpose of this bill is to enable the author of the literary work produced abroad to secure the exclusive right to publish and sell it in the United States, which he does not have now, and that right would not be taken away from him at all by the amendment proposed by the Senator from Ohio, except to the limited extent that it might be interfered with by the importation of a few books from the foreign country in which they were published, but upon those books he has received the benefit of his royalty or his contract, whatever it was.

Now, I submit that a duty of 25 per cent. upon books, and 35 per cent. upon lithographs, photographs, and chromos, with an addition of 15 per cent. or more under the administrative act on account of the packages in which they are inclosed, making 40 per cent. in one case and 50 per cent. in the other, is ample protection for the producers of these articles in this country.

Mr. BLAIR. The Senator will allow me to ask whether the tariff duties on these articles have been increased.

Mr. CARLISLE. Yes, sir; the duty was increased from 25 per cent. to 35 per cent. upon some of these articles, but as to books it remains the same as it was before, 25 per cent. Now it is proposed by the House of Representatives in the bill before us not only to subject all these articles—

Mr. HISCOCK. Allow me to interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from New York?

Mr. CARLISLE. Certainly.

Mr. HISCOCK. For the purpose of being exact I inquire of the Senator from Kentucky upon what class of these articles was the duty increased from 25 to 35 per cent. I think as to photographs it is true that the duty was increased.

Mr. CARLISLE. I think I am correct about it. I am speaking from recollection only, though I am quite sure I am not mistaken. There was an increase from 25 per cent. to 35 per cent. in addition to the reimposition of duties upon the packages in which these articles come, which was a very considerable increase.

Mr. HISCOCK. If the Senator will allow me, I will read the provision of the law.

Mr. CARLISLE. Certainly.

Mr. HISCOCK. The law provides that:

Books, including blank books of all kinds, pamphlets, and engravings, bound or unbound, photographs, etchings, maps, charts, and all printed matter not specially provided for in this act, 25 per cent. ad valorem.

Mr. CARLISLE. Now, look at a paragraph preceding that. The Senator will find it on the same page, I think.

Mr. MCPHERSON. Paragraph 419.

Mr. HISCOCK. Is it this provision: "Papers known commercially as copying paper?" etc.

Mr. CARLISLE. Yes, that is it. Read it through.

Mr. HISCOCK. The provision is:

Papers known commercially as copying paper, filtering paper, silver paper,

and all tissue paper, white or colored, whether made up in copying books, reams, or in any other form, 8 cents per pound, and in addition thereto 15 per cent. ad valorem; albumenized or sensitized paper, 35 per cent. ad valorem.

Mr. CARLISLE. That is not the paragraph—

Mr. HISCOCK. The next provision of the tariff law is:

Papers known commercially as surface-coated papers, and manufactures thereof, card boards, lithographic prints from either stone or zinc, bound or unbound (except illustrations when forming a part of a periodical, newspaper, or in printed books accompanying the same), and all articles produced either in whole or in part by lithographic process, and photograph, autograph, and scrap albums, wholly or partially manufactured, 35 per cent. ad valorem.

Mr. CARLISLE. That was an increase from 25 per cent., which was the rate under the old law, to 35 per cent. in the law which was passed at the recent session and is now in force. In the face of this protection of about 35 per cent. in the one case and 50 per cent. in the other case, including the duties upon the packages in both cases, the House of Representatives has sent to the Senate a bill in which it is proposed to absolutely prohibit the importation of a great mass of literature which our people desire to have and which they have a right to have.

It may be, Mr. President, as I believe has been suggested before during this debate, that a citizen of the United States, notwithstanding there may be fine editions of a certain work published in his own country, desires to procure a copy of some edition published abroad and prefers to have that on account of the superior manner in which it is printed or bound or illustrated, yet under this bill as it stands the United States would by its customs officers stop him at the boundary of the country and refuse absolutely to allow him to bring in those books. This is not done for the benefit of the author, in whose interests this bill purports to have been framed, but in the interest of the publishers of these books in the United States, and in their interest alone.

I shall therefore vote for the amendment proposed by the Senator from Ohio, and I shall vote for every other amendment from this time on proposed to the bill which in my judgment will improve its provisions, notwithstanding, as I said, the fact that I started out to vote against all amendments upon the supposition that the passage of the bill would be endangered and that we had better take it, even in the crude and imperfect and objectionable form in which it stood, and trust to future legislation to remedy it, than to let it fail now.

Mr. EVARTS. Mr. President—

Mr. McPHERSON. Will the Senator from New York allow me to ask a question of the Senator from Kentucky?

Mr. EVARTS. Certainly.

Mr. McPHERSON. I call the Senator's attention to the language near the bottom of the first page of the bill, which provides that any person "shall, upon complying with the provisions of this chapter, have the sole liberty" of vending these books; in other words, the sole right of sale. If you turn to a subsequent section, on page 7, you will find that if any other person "shall sell or expose to sale any copy of such book" he shall be liable to prosecution and fine.

I ask the Senator, if this part of the bill were stricken out and the remainder of the bill should stand, what difference would it make to the importer of books and what would be the advantage in striking out this provision?

Mr. SHERMAN. That clause only relates to the book publisher in America.

Mr. CARLISLE. That is what I supposed; that it referred to the edition which is printed in the United States under the copyright, and the publisher by that acquires the exclusive right to sell it, and every other person is prevented from selling it.

Mr. McPHERSON. It relates to that, and in like manner to the foreign and domestic copyrighters if they have got to print their books in the United States.

Mr. SHERMAN. The third section relates to imported goods and the first section to domestic goods.

Mr. CARLISLE. I will say to the Senator from New Jersey that if the part of the bill to which he calls my attention is really susceptible of the construction which he impliedly puts upon it I shall cheerfully vote to change it so that it shall conform to the amendment proposed by the Senator from Ohio.

Mr. McPHERSON. It seems to me that it will not change the bill at all.

Mr. EVARTS. Mr. President, whoever is opposed to foreign copyright will vote for the amendment proposed by the Senator from Ohio, for that destroys the foreign copyright. There will be left the protection of the importation of foreign print from abroad, but there will be no protection of copyright. As I insisted in the observations I made before, the two subjects of copyright and tariff duty have nothing to do with each other. If Senators do not wish to have a copyright of a foreign author, then vote down the bill, but do not imagine for a moment that after this amendment is adopted there is any foreign copyright.

We have labored for a long while to bring in accord publishers and authors in reference to copyright. We have an elaborate scheme here by which we protect the author in his authorship, but insist that the manufacture shall be here; and this bill provides that all the man-

ufactures of the copyrighted author shall be printed here. Now, look at the blow given to the author by this amendment. His opportunity to make a contract here is destroyed if the publisher making the contract has no monopoly. On the other hand, the publisher here is under complete constriction as to printing. Nobody else here can print the book, and we throw the printing open to the world, and every other industry engaged in the manufacture. I say we throw it open to the world, as we do absolutely, except so far as our provisions in regard to duties go.

Senators have in their minds only the cost of publications in England and are talking only of English authorship being protected here. See how absolutely all such protection to the printer here, and all protection, really, to the author's monopoly by his contract disappears. Every cheap publication of the English author at Leipzig or at any of the great printing establishments on the continent under this amendment can be shipped here with nothing but 25 per cent. on a book that costs 10 or 15 cents, when the publisher here, under this contract, would charge 50 cents or \$1 or \$1.50 or \$2.

Let Senators vote with their eyes open. Every enemy of foreign authorship and copyright protection should vote for the amendment. Everybody who is in favor of the system, combined as it is of protecting the author in our market and the printer and the publisher and industries here, should vote against it. It is vain to call this a copyright bill after there is no sanction in the protection. We have been debating all this day in favor of the amendment to give the sanction of exclusion to the photographers, but it has been incorporated into the bill, and now the whole is to be struck out.

Mr. HISCOCK. When I find myself differing with the distinguished Senator from Connecticut [Mr. PLATT] I am certainly in grave doubt as to whether I am right or wrong. When I find that I differ from both the Senator from Connecticut and my distinguished colleague from New York [Mr. EVARTS] of course I am pretty sure that I am wrong.

With the Senator from Kentucky [Mr. CARLISLE], I say in respect to this bill that, if the amendment of the Senator from Maine [Mr. FRYE] had been rejected, I should have voted for the bill and against the amendment proposed by the Senator from Ohio [Mr. SHERMAN]. It is now clear, however, that the bill must go into conference, and that being the case, I am constrained to vote for the amendment proposed by the Senator from Ohio.

Now, let us look at the situation as it is presented if that amendment is adopted. I insist that the foreign author has no interest in that question. I do not believe that a foreign author can be found who will oppose the amendment suggested by the Senator from Ohio. We have this condition: He is protected in his copyright here under this proposed law, and a bounty, if you please, or a tariff, is provided of 25 per cent. ad valorem to induce him to have his book printed here in the United States.

Mr. MORRILL. May I ask the Senator from New York a question?

Mr. HISCOCK. Certainly.

Mr. MORRILL. Are not all books entitled to the same protection?

Mr. HISCOCK. They are.

Mr. MORRILL. What is the advantage, then, to the man who gets a copyright here?

Mr. HISCOCK. There is just this advantage, that if he can not have his work copyrighted it is pirated here by everybody, and cheap editions are put upon the market. That is just the difference. I insist that that is just the case. I do it after having given full examination to this question heretofore, and I think the Senator from Vermont will concur with me in the expression of the opinion that in respect to books which are not copyrighted, in respect practically to all those covered by this provision of the bill, the amendment of the Senator from Maine having been adopted, independent of the copyright, American publishers may compete with foreign publishers with 25 per cent. duty ad valorem. It is all they ask. It is all the engravers under the bill, after full examination, claimed was necessary for them to have, and so far as books are concerned, on which there was no copyright to pay, those upon which the copyright had expired, I have never heard the claim advanced that 25 per cent. ad valorem duty was not sufficient to protect them.

Recurring again to the question that was suggested by the Senator from Vermont [Mr. MORRILL], the condition of the thing is that without this law, where these American publishers have published a book here, they have the benefit of 25 per cent. ad valorem in the first instance against the foreign book, and they publish it here without paying any copyright whatever. That is what the authors complain of. They publish inferior editions, as suggested by the Senator from Ohio [Mr. SHERMAN]. I ask the Senator from Vermont again to reflect upon the protection which they have, the difference in the condition between the two. In the one case, without this law, the publisher here has the advantage of his 25 per cent. ad valorem duty against the foreign book and is relieved from the payment of the copyright tax.

Mr. MORRILL. The author of course must divide this 25 per cent. with the publisher, and therefore he will not have the 25 per cent.

Mr. HISCOCK. I do not see how he is to divide it, because the 25

per cent., in the first instance, is the protection, and doubtless the same copyright tax which is imposed here will be imposed upon the foreign book in the country where it is published. If, as the Senator from Vermont suggests, the author would give his book to the foreign publisher without paying any copyright to him, there might be something in his point, but I assume that authors will license publishers to give these books to the market at the same copyright rate here that they do abroad.

I desire to call attention to a suggestion made by the Senator from Connecticut [Mr. PLATT] earlier in the day, in which he attempted to illustrate that the principle involved in the amendment of the Senator from Ohio was against the principle in respect of our patent laws. Do I understand the Senator from Connecticut to claim that, subject to the duty alone under our patent laws, we can not import foreign goods here which are patented by a foreign manufacturer or by a foreign inventor?

If such is the case under the present law, I have simply this to say in respect to it, and I take the open-hearth process to illustrate it: I ask if that can not be bought in England and brought here subject to the rate of duty without being subject to the patent laws here? If that is the practical effect under our patent laws, in my judgment they ought to be corrected. It may be so theoretically, but it has never been so practically.

Take steel rails, for instance, which I suppose were covered for a long period of time here by patents. I did not understand that the consumers of steel rails here, in addition to being subjected to the duty imposed upon steel rails, might be subject upon the rails imported to this country to a further tax or a further burden imposed by the inventor of steel rails. Upon the American product, of course, that is paid, but upon the foreign product we have not been accustomed to pay it.

Let us look at this bill as it is drawn. I am a good protectionist, and I think there is no one here who will doubt my standing as a protectionist and that I believe in the doctrine. The bill provides that in the case of a "book, map, chart, dramatic or musical composition, engraving, chromo, cut, print, or photograph, or in case of a painting, drawing, statue, statuette, model, or design for a work of the fine arts, or a photograph of same"—in respect to all those goods, eliminating books, the proprietor or the artist upon the other side can procure them to be copyrighted in this country. That might transpire with respect to them, and they then could not be published in this country, and not a single copy could be purchased or brought here and sold to an American citizen, except by the written consent of the holder of the copyright attested by two witnesses.

I am not willing to go to that extent. If the amendment of the Senator from Maine had been rejected, if it had been limited to books alone, I should have been willing to have voted for the bill, taking the chances in the future for legislation to remedy any evils which might be visited upon our consumers here or any defect that might be apparent.

Mr. JONES, of Arkansas. I move that the Senate adjourn until 11 o'clock to-morrow.

The PRESIDING OFFICER. The question is on the motion of the Senator from Arkansas.

Mr. PLATT. May I make an inquiry?

The PRESIDING OFFICER. The motion is not debatable.

Mr. PLATT. I know that, but I desire to make an inquiry as to what the standing order of the Senate is?

The PRESIDING OFFICER. The standing order of the Senate made on Saturday is as follows:

That, unless otherwise directed, on and after Monday next, February 9, during the residue of the present session of the Senate, a recess shall be taken, excepting on Saturdays, from 6 o'clock p. m. to 8 o'clock p. m.

Mr. PLATT. I ask for the yeas and nays on the motion to adjourn. The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from South Dakota [Mr. PETTIGREW]. If at liberty to vote, I should vote "yea."

Mr. DIXON (when Mr. CASEY's name was called). The Senator from North Dakota [Mr. CASEY] requested me to announce his pair with the Senator from Florida [Mr. PASCO].

Mr. ALLEN (when Mr. CULLOM's name was called). The Senator from Illinois [Mr. CULLOM], who has been called from the Chamber temporarily, requested me to announce his pair with the Senator from Delaware [Mr. GRAY].

Mr. DOLPH (when his name was called). I am paired with the Senator from Georgia [Mr. BROWN], and withhold my vote unless it be necessary to make a quorum.

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS].

The PRESIDING OFFICER (Mr. SPOONER in the chair, when his name was called). The occupant of the chair is paired generally with the Senator from Mississippi [Mr. WALTHALL], who is absent, and is therefore not at liberty to vote.

Mr. WOLCOTT (when his name was called). I have a general pair with the Senator from West Virginia [Mr. KENNA]. I have serious doubts as to how he would vote on this question, and I therefore withhold my vote.

The roll-call was concluded.

Mr. McMILLAN. I am paired with the Senator from North Carolina [Mr. VANCE].

Mr. PIERCE. Is the Senator from Kentucky [Mr. CARLISLE] recorded as voting?

The PRESIDING OFFICER. He has not voted.

Mr. PIERCE. Then I withhold my vote, as I am paired with that Senator.

Mr. VEST. I was requested to announce the pair between the Senator from Pennsylvania [Mr. CAMERON] and the Senator from South Carolina [Mr. BUTLER]. The Senator from Pennsylvania would vote "nay" if present.

Mr. COCKRELL. I am paired with the Senator from Wyoming [Mr. CAREY].

Mr. FAULKNER. I am requested to announce that the Senator from North Carolina [Mr. RANSOM] is paired with the Senator from Maine [Mr. HALE].

Mr. HARRIS (after having voted in the affirmative). I inquire if the Senator from Vermont [Mr. MORRILL] is recorded as voting?

The PRESIDING OFFICER. The Senator from Vermont is not recorded.

Mr. HARRIS. I am paired with that Senator. I have already voted "yea." I suppose he would vote "nay" if present, and I therefore withdraw my vote.

Mr. CULLOM. I have a general pair with the Senator from Delaware [Mr. GRAY], and therefore withhold my vote.

Mr. PLATT. I voted in the negative inadvertently, being paired with the Senator from Virginia [Mr. BARBOUR]. I suggest to the Senator from Tennessee [Mr. HARRIS] that we transfer our pairs, so that we may both vote.

Mr. HARRIS. That will be agreeable to me. I re-record my vote "yea."

Mr. TURPIE. I wish to announce that my colleague [Mr. VOORHEES] is detained from the Senate by illness.

Mr. PADDOCK. I have a general pair with the Senator from Louisiana [Mr. EUSTIS], but I transfer that pair to the Senator from Rhode Island [Mr. ALDRICH], and vote "nay."

The result was announced—yeas 17, nays 29; as follows:

YEAS—17.

Bate,	Faulkner,	Jones of Arkansas, Turpie,
Berry,	George,	McPherson,
Blackburn,	Gorman,	Vest,
Coke,	Hampton,	Morgan,
Daniel,	Harris,	Pugh,
		Reagan,

NAYS—29.

Allen,	Frye,	Mitchell,	Shoup,
Allison,	Hale,	Paddock,	Squire,
Blair,	Hawley,	Platt,	Stewart,
Chandler,	Higgins,	Power,	Stockbridge,
Davis,	Hiscock,	Quay,	Washburn.
Dixon,	Hoar,	Sanders,	
Edmunds,	Ingalls,	Sawyer,	
Evarts,	Manderson,	Sherman,	

ABSENT—42.

Aldrich,	Colquitt,	McConnell,	Stanford,
Barbour,	Cullom,	McMillan,	Teller,
Blodgett,	Dawes,	Moody,	Vance,
Brown,	Dolph,	Morrill,	Voorhees,
Butler,	Eustis,	Pasco,	Walthall,
Call,	Farwell,	Payne,	Warren,
Cameron,	Gibson,	Pettigrew,	Wilson of Iowa,
Carey,	Gray,	Pierce,	Wilson of Md.
Carlisle,	Hearst,	Plumb,	Wolcott.
Casey,	Jones of Nevada,	Ransom,	
Cockrell,	Kenna,	Spooner,	

So the Senate refused to adjourn.

Mr. CULLOM. I ask leave of absence for this evening for special reasons.

The PRESIDING OFFICER. The Senator from Illinois asks leave of absence for this evening. Is there objection? The Chair hears none.

Mr. BLACKBURN. Mr. President, I make the same request.

The PRESIDING OFFICER. The Senator from Kentucky asks the Senate for leave of absence for this evening. Is there objection? The Chair hears none.

Mr. GEORGE. By the advice of a physician I ask to be excused from attendance on any night session of the Senate.

The PRESIDING OFFICER. The Senator from Mississippi asks to be excused from attendance upon any night session of the Senate. Is there objection to the request? The Chair hears none, and the Senator is excused.

Mr. SQUIRE. I ask leave of absence for this evening.

The PRESIDING OFFICER. The Senator from Washington asks leave of absence for this evening. Is there objection?

Mr. PLATT. I think the application of the Senator from Missis-

Missippi [Mr. GEORGE], who gave reasons for leave of absence, was perfectly legitimate; but I confess that the granting of leave of absence without any reason being assigned is a very nice way to destroy a quorum of the Senate.

Mr. CULLOM. If the Senator will allow me, as I made the first request, I wish to state that I have been paired with the Senator from Delaware [Mr. GRAY], and have no right to vote in his absence upon contested questions. That being the case, and having an engagement for to-night, I concluded I would ask leave of absence so that I could not be sent for, as I could not be of any use when I got here.

Mr. HOAR. The Senator can transfer his pair.

The PRESIDING OFFICER. Does the Senator from Connecticut object to the request of the Senator from Washington?

Mr. PLATT. I make no formal objection, but I do trust that Senators will attend the sessions of the Senate, so that we may have a quorum to do business, when we have agreed to a standing order of the Senate to meet at 8 o'clock in the evening.

The PRESIDING OFFICER. The Senator from Washington [Mr. SQUIRE] asks to be excused from attending the session of the Senate this evening. Is there objection?

Mr. HOAR. I object, Mr. President.

The PRESIDING OFFICER. Objection is made. The question is on excusing the Senator from Washington from attendance on the session of the Senate this evening.

Mr. SQUIRE. I withdraw the request, and beg to state that I shall be here this evening.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Ohio [Mr. SHERMAN].

Mr. BLAIR. I should be glad to hear that amendment explained. I have not understood it as yet.

The PRESIDING OFFICER. The Chair does not understand it to be his function to explain it.

Mr. BLAIR. I ask for the reading of the amendment, then.

The PRESIDING OFFICER. The amendment will be again repeated.

The CHIEF CLERK. In section 3, line 30, it is proposed to strike out the words "it is" and insert "they are;" and in line 31, to strike out the word "prohibited" and to insert "subject to the duties provided by law;" so as to read:

During the existence of such copyright the importation into the United States of any book, map, chart, dramatic or musical composition, engraving, chromo, or lithograph cut, print, or photograph, so copyrighted, or any edition or editions thereof, or any plates of the same not made from type set, engravings, negatives, or drawings on stone made, within the limits of the United States shall be, and they are hereby, subject to the duties provided by law, etc.

Mr. BLAIR. I should like to have the attention of the Senator from Ohio. I heard the Senator explain his amendment, but I could not understand the explanation. I wish to know, for I do not think that it will be claimed by anybody that the amendment in its application is very intelligible, unless it be explained by an artist or an expert, what is the effect of this amendment upon the relations of publishers in this country to each other when they undertake to deal with a foreign author who has a copyright? By the Senator's amendment are all publishers in the United States at liberty to compete on equal terms?

The PRESIDING OFFICER. The hour of 6 o'clock having arrived, the Senate, in pursuance of its order heretofore made, takes a recess until 8 o'clock this evening.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

WASHINGTON AND WESTERN RAILROAD COMPANY.

Mr. GORMAN presented sundry amendments intended to be proposed to the bill (S. 4411) to authorize the Washington and Western Railroad Company of Virginia to extend its line into and within the District of Columbia; which were ordered to lie on the table and be printed.

EXECUTIVE SESSION.

Mr. SAWYER. I move that the Senate proceed to the consideration of executive business—just for a few minutes.

The motion was agreed to.

Mr. HOAR. I suggest the absence of a quorum.

Several SENATORS. Oh, no.

Mr. HOAR. I withdraw the suggestion.

Mr. FAULKNER. I renew the suggestion of the absence of a quorum.

Mr. EDMUNDS. The Chair had announced the motion for an executive session carried. Of course when the galleries are cleared the suggestion will be in order.

The PRESIDING OFFICER. The Sergeant-at-Arms will clear the galleries and close the doors.

The Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened.

ORDER OF BUSINESS.

Mr. FAULKNER. I suggest there is no quorum present to transact business. As this is a very important bill we have now before us I think we ought to have at least forty-five Senators here to do the business of the country.

The PRESIDING OFFICER. The presence of a quorum being challenged by the Senator from West Virginia, the Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Allen,	Evarts,	Ingalls,	Reagan,
Bate,	Farwell,	McPherson,	Sanders,
Blair,	Faulkner,	Manderson,	Sawyer,
Casey,	Frye,	Mitchell,	Sherman,
Cockrell,	Gorman,	Morgan,	Shoup,
Coke,	Harris,	Morrill,	Spooner,
Daniel,	Hawley,	Paddock,	Squire,
Davis,	Higgins,	Platt,	Stockbridge,
Dolph,	Hiscock,	Power,	Vest.
Edmunds,	Hoar,	Quay,	

The PRESIDING OFFICER. Thirty-nine Senators have responded to their names. No quorum is present. What is the further pleasure of the Senate?

Mr. PLATT. If I may be permitted to say a single word at this period of the proceedings, I suggest unanimous consent be given to take up the Calendar of private pension cases unobjected to, with the understanding that that is all the business which will be transacted to-night.

Mr. EDMUNDS. That is impossible in the absence of a quorum.

Mr. HARRIS. Less than a quorum can not give unanimous consent.

The PRESIDING OFFICER. The Chair is of opinion that less than a quorum can not give unanimous consent.

Mr. PLATT. Then I move that the Senate adjourn.

Mr. EDMUNDS. On that I ask for the yeas and nays, and I shall vote for the motion.

The PRESIDING OFFICER. The Senator from Connecticut moves that the Senate do now adjourn, on which question the Senator from Vermont demands the yeas and nays.

The yeas and nays were ordered and taken.

Mr. HISCOCK (after having voted in the negative). I am paired with the Senator from Arkansas [Mr. JONES], and withdraw my vote.

The result was announced—yeas 18, nays 20; as follows:

YEAS—18.

Allen,	Edmunds,	Hoar,	Reagan,
Bate,	Farwell,	Ingalls,	Sherman,
Cockrell,	Faulkner,	McPherson,	Vest.
Coke,	Gorman,	Morgan,	
Daniel,	Harris,	Platt,	

NAYS—20.

Blair,	Frye,	Morrill,	Sawyer,
Casey,	Hawley,	Paddock,	Shoup,
Davis,	Higgins,	Power,	Squire,
Dolph,	Manderson,	Quay,	Stewart,
Evarts,	Mitchell,	Sanders,	Stockbridge.

ABSENT—50.

Aldrich,	Colquitt,	Jones of Nevada,	Stanford,
Allison,	Cullom,	Kenna,	Teller,
Barbour,	Dawes,	McConnell,	Turpie,
Berry,	Dixon,	McMillan,	Vance,
Blackburn,	Eustis,	Moody,	Voorhees,
Blodgett,	George,	Pasco,	Walthall,
Brown,	Gibson,	Payne,	Warren,
Butler,	Gray,	Pettigrew,	Washburn,
Call,	Hale,	Pierce,	Wilson of Iowa,
Cameron,	Hampton,	Plumb,	Wilson of Md.
Carey,	Hearst,	Pugh,	Wolcott.
Carlisle,	Hiscock,	Ransom,	
Chandler,	Jones of Arkansas,	Spooner,	

So the Senate refused to adjourn.

The PRESIDING OFFICER. The vote disclosing the want of a quorum, it is the duty of the Chair to direct the Secretary to call the roll.

Mr. MANDERSON. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. PLATT. That can not be done until the roll is called.

Mr. MANDERSON. I submit that the motion is now in order.

Mr. EDMUNDS. Oh, yes.

Mr. HOAR. The roll has been called.

Mr. EDMUNDS. The roll has been called and a motion to adjourn has been made. It seems to me, with great respect, that the motion to send for absentees is in order; but I am not so sure about it.

Mr. HARRIS. Business has intervened since the roll call.

Mr. FAULKNER. I wish to make a suggestion. Very often on a call of the yeas and nays there are a number of pairs announced, so that the vote does not really indicate whether forty-five Senators are present or not, but a roll-call does indicate all who are present.

Mr. HARRIS. Let the roll-call be proceeded with.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Casey,	Daniel,	Edmunds,
Bate,	Cockrell,	Davis,	Evarts,
Blair,	Coke,	Dolph,	Farwell,

Faulkner,
Frye,
Gorman,
Harris,
Hawley,
Higgins,
Hoar,

Ingalls,
McPherson,
Manderson,
Mitchell,
Morgan,
Morrill,
Paddock,

Platt,
Power,
Quay,
Reagan,
Sanders,
Sawyer,
Sherman,

Shoup,
Spooner,
Squire,
Stewart,
Stockbridge,
Vest.

Payne,
Pettigrew,
Pierce,
Plumb,
Pugh,

Ransom,
Stanford,
Teller,
Turpie,
Vance,

Voorhees,
Walthall,
Warren,
Washburn,
Wilson of Iowa,

Wilson of Md.
Wolcott.

The PRESIDING OFFICER. Thirty-nine Senators have responded to their names on the call of the roll. There is not a quorum present.

Mr. MANDERSON. I renew my motion.

The PRESIDING OFFICER. The Senator from Nebraska moves that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. HARRIS. Pending which motion I move that the Senate do now adjourn.

Mr. EDMUNDS. I ask the Senator to withdraw that motion.

Mr. HARRIS. Of course I will if the Senator desires it.

The PRESIDING OFFICER. The motion to adjourn is withdrawn.

Mr. EDMUNDS. I move to amend the motion of the Senator from Nebraska by inserting what the eight members of the Senate on the 11th of March, 1789, in the absence of a quorum, thought it proper to adopt, that a circular letter—

Mr. BLAIR. That is outlawed.

The PRESIDING OFFICER. The Senator from Vermont has the floor.

Mr. BLAIR. That is older than the eight-hour claim; it is outlawed.

Mr. EDMUNDS. The Senator had better say eight claims an hour, I should think. [Laughter.] They agreed that the following circular letter should be written to the absent Senators, requesting their immediate attendance, and I move to amend the motion of the Senator from Nebraska to make it conform to this:

NEW YORK, March 11, 1789.

SIR: Agreeably to the Constitution of the United States, eight members of the Senate and eighteen of the House of Representatives have attended here since the 4th of March. It being of the utmost importance that a quorum sufficient to proceed to business be assembled as soon as possible, it is the opinion of the gentlemen of both Houses that information of their situation be immediately communicated to the absent members, etc.

I hope my friend from Nebraska will agree that that be put into the direction to the Sergeant-at-Arms.

Mr. MANDERSON. I will agree to it all except New York.

Mr. EDMUNDS. Now, the Senator from Tennessee—

Mr. SANDERS. I ask leave of the Senator from Tennessee to make a single statement.

Mr. HARRIS. Certainly.

Mr. SANDERS. The Senator from North Dakota [Mr. PIERCE], who left here at 6 o'clock this evening upon the recess of the Senate, requested me to state that he had been appointed upon a committee to attend the funeral services of a member of the other House from the State of Tennessee. If his name was called in his absence he desired me to make this statement.

Mr. HARRIS. I renew my motion.

The PRESIDING OFFICER. Pending the motion to instruct the Sergeant-at-Arms to request the attendance of absent Senators the Senator from Tennessee moves that the Senate do now adjourn. [Putting the question.] The ayes seem to have it.

Mr. STEWART. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HISCOCK (when his name was called). I understand that the Senator from Arkansas [Mr. JONES], with whom I am paired, would, if present, vote for the motion to adjourn, and therefore I shall vote. I vote "yea."

The roll-call was concluded.

Mr. COCKRELL. I am paired with the Senator from Wyoming [Mr. CAREY], but I am inclined to think that he would be very much disposed to do as I do if he were present; that is, to vote "yea." Therefore I will vote "yea."

The result was announced—yeas 24, nays 15; as follows:

YEAS—24.

Allen,
Bate,
Call,
Cockrell,
Coke,
Daniel,

Davis,
Edmunds,
Farwell,
Faulkner,
Frye,
Gorman,

Harris,
Hiscock,
Ingalls,
McPherson,
Morgan,
Platt,

Quay,
Reagan,
Sherman,
Spooner,
Stockbridge,
Vest.

NAYS—15.

Blair,
Casey,
Dolph,
Evarts,

Hawley,
Higgins,
Manderson,
Mitchell,

Morrill,
Power,
Sanders,
Sawyer,

Shoup,
Squire,
Stewart.

ABSENT—49.

Aldrich,
Allison,
Barbour,
Berry,
Blackburn,
Blodgett,
Brown,
Butler,

Cameron,
Carey,
Carlisle,
Chandler,
Colquitt,
Cullom,
Dawes,
Dixon,

Eustis,
George,
Gibson,
Gray,
Hale,
Hampton,
Hearst,
Hoar,

Jones of Arkansas,
Jones of Nevada,
Kenna,
McConnell,
McMillan,
Moody,
Paddock,
Pascoe,

So the motion was agreed to; and (at 8 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 10, 1891, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate the 9th day of February, 1891.

JUDGES OF PROBATE.

Joseph D. Jones, of Utah Territory, to be judge of probate in Utah County, in the Territory of Utah, his term having expired January 31, 1891.

James A. Stark, of Utah Territory, to be judge of probate in Pi Ute County, in the Territory of Utah, his term having expired January 19, 1891.

SURVEYORS OF CUSTOMS.

Charles J. Robb, of Indiana, to be surveyor of customs for the port of Michigan City, in the State of Indiana, to succeed Louis J. Weiler, whose term of office will expire by limitation February 9, 1891.

Emerson Etheridge, of Tennessee, to be surveyor of customs for the port of Memphis, in the State of Tennessee, to succeed Thomas F. Tobin, whose term of office will expire by limitation February 28, 1891.

COLLECTOR OF CUSTOMS.

Nelson E. Nelson, of North Dakota, to be collector of customs for the district of North Dakota and South Dakota, in the States of North Dakota and South Dakota. New office created by act approved October 1, 1890.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 9, 1891.

POSTMASTERS.

Arthur L. Kemper, to be postmaster at Comanche, in the county of Comanche and State of Texas.

William H. Fairless, to be postmaster at Trenton, in the county of Gibson and State of Tennessee.

Frank Ellis, to be postmaster at Muncie, in the county of Delaware and State of Indiana.

James B. Haines, jr., to be postmaster at Jeannette, in the county of Westmoreland and State of Pennsylvania.

Rush O. Fellows, to be postmaster at Auburn, in the county of Nebraska and State of Nebraska.

John B. Seal, to be postmaster at Millersburgh, in the county of Dauphin and State of Pennsylvania.

Edward M. Rands, to be postmaster at Oregon City, in the county of Clackamas and State of Oregon.

Charles A. Kirtland, to be postmaster at Deep River, in the county of Middlesex and State of Connecticut.

Frank Woodmansee, to be postmaster at New Decatur, in the county of Morgan and State of Alabama.

William H. Mann, to be postmaster at Wilber, in the county of Saline and State of Nebraska.

Philo A. Sheldon, to be postmaster at Hastings, in the county of Berry and State of Michigan.

Henry R. Austin, to be postmaster at Monroe, in the county of Monroe and State of Michigan.

William E. Ritch, to be postmaster at Greenwich, in the county of Fairfield and State of Connecticut.

Martin V. Clark, to be postmaster at Sutton, in the county of Clay and State of Nebraska.

Henry Bordewick, to be postmaster at Granite Falls, in the county of Yellow Medicine and State of Minnesota.

Samuel H. Stevens, to be postmaster at Muskegon, in the county of Muskegon and State of Michigan.

Adolph Hutlemeyer, to be postmaster at Ridgewood, in the county of Bergen and State of New Jersey.

Martin W. Hubbard, to be postmaster at Princeton, in the county of Mercer and State of New Jersey.

William J. Smith, to be postmaster at Eureka, in the county of Eureka and State of Nevada.

Edward Loudensleger, to be postmaster at Fremont, in the county of Sandusky and State of Ohio.

John W. Crawford, to be postmaster at Richwood, in the county of Union and State of Ohio.

George C. Potter, to be postmaster at Gloversville, in the county of Fulton and State of New York.

John Zumstein, to be postmaster at Cincinnati, in the county of Hamilton and State of Ohio.

Thomas Starry, to be postmaster at Lebanon, in the county of Warren and State of Ohio.

James C. Newcomb, to be postmaster at Ripley, in the county of Brown and State of Ohio.

HOUSE OF REPRESENTATIVES.

MONDAY, February 9, 1891.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Saturday last was read and approved.

ENROLLED BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 17) to remove the charge of desertion from the record of Michael Meskill;

A bill (H. R. 1150) for the relief of Andrew Schneider;

A bill (H. R. 1423) to correct the military record of William E. Crouse;

A bill (H. R. 4809) for cancellation of contract with United States engineer for delivery of stone for the improvement of the mouth of the Columbia River in Oregon and Washington;

A bill (H. R. 6921) for the relief of Charles H. Kellen;

A bill (H. R. 6975) to provide for an additional associate justice of the supreme court of Arizona;

A bill (H. R. 9193) to give consent of Congress to the construction of a bridge over the Duck River in Humphreys County, Tennessee;

A bill (H. R. 11391) for the construction and completion of suitable school buildings for Indian industrial schools in Wisconsin and other States.

A bill (H. R. 11537) for the relief of Duncan D. Cameron, late first lieutenant Ninth United States Colored Troops;

A bill (H. R. 11766) to correct the military record of Marcellus Pettitt;

A bill (H. R. 12042) to authorize the construction of a tunnel under the waters of the bay of New York between the town of Middletown, in the county of Richmond, and the town of New Utrecht, in the county of Kings, in the State of New York, and to establish the same as a post road; and

A bill (H. R. 12640) to pension Sarah Thomasson.

During the reading of the titles,

Mr. MCKINLEY said: Mr. Speaker, I ask unanimous consent that the titles of these bills be printed in the RECORD without being read at the Clerk's desk.

The SPEAKER. Without objection, that order will be made.

There was no objection, and it was so ordered.

Mr. BRECKINRIDGE, of Kentucky. What bills are those, Mr. Speaker?

The SPEAKER. It is a report of the Committee on Enrolled Bills.

ANNOUNCEMENT OF CONFEREES.

The SPEAKER laid before the House the bill (S. 3770) to incorporate the Washington and Arlington Railway Company of the District of Columbia, with amendments of the House disagreed to by the Senate, and on which a conference was asked. The House insisted on its amendments, and Mr. GROUT, Mr. POST, and Mr. HEARD were appointed conferees on the part of the House.

ORDER OF BUSINESS.

Mr. CANNON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

Mr. LEE. Mr. Speaker, before the motion is put, I desire to suggest that this is District day, but I see the chairman of the committee is present.

Mr. GROUT. Mr. Speaker, this is the day set apart by the rules of the House for the transaction of business presented by the Committee on the District of Columbia, and while I do not wish to take a moment of the time of the House unnecessarily from the consideration of appropriation bills, as it seems the whole day will be consumed in that way, it does seem to me that we ought to have some understanding as to the time when we may bring forward several important matters reported by that committee and dispose of them.

Mr. SPINOLA. Why can you not ask for an evening session for that purpose?

The SPEAKER. This debate is not in order, except by unanimous consent.

Mr. ANDERSON, of Kansas. Mr. Speaker, I would suggest that bills of the class reported by the Committee on the District of Columbia ought to be killed as a rule, and we had better go on with the business.

Mr. HEMPHILL. Any gentleman who makes such a statement as that does not know what he is talking about.

Mr. BUCHANAN, of New Jersey. Regular order.

Mr. HEMPHILL. I thought the gentleman from Kansas had some sense.

The SPEAKER. Debate is not in order on a motion to go into Committee of the Whole. The regular order is demanded, and the question is on the motion of the gentleman from Illinois.

Mr. SPRINGER. Mr. Speaker, I desire to submit a request for unanimous consent. I hope the gentleman will not—

The SPEAKER. The regular order has been demanded, and the question is on the motion of the gentleman from Illinois—

Mr. SPRINGER. Does the Chair decline to entertain a request for unanimous consent?

The SPEAKER. The regular order is called for, and nobody knows better than the gentleman from Illinois [Mr. SPRINGER] what the proprieties are.

Mr. SPRINGER. Does the Chair decline to entertain a request to submit a question for unanimous consent?

Mr. BUCHANAN, of New Jersey. I call for the regular order, and I call the gentleman from Illinois to order.

The SPEAKER. The gentleman from New Jersey calls for the regular order and calls the gentleman from Illinois to order.

Mr. SPRINGER. And I call the gentleman from New Jersey to order.

The question on the motion to go into Committee of the Whole was put; and the Speaker announced that the ayes seemed to have it.

Mr. SPRINGER. Suppose we have the ayes and nays on that.

Mr. GROUT. Division, Mr. Speaker.

The Speaker proceeded to again put the question, pending which,

Mr. CANNON said: Mr. Speaker, I desire to say—

Mr. GROUT. Mr. Speaker, I want to ask unanimous consent—

Mr. ENLOE. We want no more unanimous consent.

Mr. GROUT. I ask unanimous consent that the chairman of the Committee on Appropriations be heard—

The SPEAKER. The gentleman from Tennessee [Mr. ENLOE] objects.

Mr. SPRINGER. I thought the gentleman from New Jersey objected.

The SPEAKER. The gentleman from New Jersey objects to the gentleman from Illinois. [Laughter.] There is no difficulty about this matter.

Mr. GROUT. Will the Chair submit my request that the chairman of the Committee on Appropriations be heard for a moment? I ask unanimous consent that he be heard.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

Mr. ENLOE. I do not object to requests for unanimous consent being made, but do object to this thing of unanimous consent being always asked by gentlemen on the other side and permission refused to gentlemen on this side. [Cries of "Regular order!"]

The SPEAKER. Does the gentleman from Tennessee object?

Mr. ENLOE. I do.

The SPEAKER. The gentleman objects.

Mr. GROUT. I desire, then, to withdraw my demand for a division. I do not want to do anything in the way of obstructing consideration of the appropriation bills.

The SPEAKER. The ayes have it, and the House resolves to go into Committee of the Whole.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. PAYSON in the chair.

SUNDRY CIVIL APPROPRIATION BILL.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill, and the Clerk will read the next paragraph.

The Clerk read as follows:

Yellowstone National Park: For the improvement of the Yellowstone National Park, \$75,000; the same, together with the unexpended balance of appropriations already made, to be expended by and under the direction of the Secretary of War.

Mr. GROSVENOR. Mr. Chairman, I desire to offer an amendment to the paragraph of the bill relating to Chickamauga Park, and am not sure whether it has been passed or not.

Mr. CANNON. It has not been passed.

Mr. GROSVENOR. Very well.

The Clerk read as follows:

Headstones for graves of soldiers: For continuing the work of furnishing headstones for unmarked graves of Union soldiers, sailors, and marines in national, post, city, town, and village cemeteries, naval cemeteries at navy yards and stations of the United States, and other burial places, under the acts of March 3, 1873, and February 3, 1879, \$10,000.

Mr. SPINOLA. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

At the end of line 22, page 71, insert the following:

"And the further sum of \$100,000, to be spent by and under the direction of the Secretary of War, for the erection of a monumental headstone at Fort Greene, in the city of Brooklyn, State of New York, to perpetuate the memory of eleven thousand five hundred sons of liberty who perished while confined in the dungeons of the British prison ships during the war of the American Revolution, which resulted in the establishment of the American Union. These patriotic men were comrades of Washington and Lafayette."

[Laughter and applause.]

Mr. CANNON. Mr. Chairman, I shall be compelled to make the point of order against that amendment. There is no law authorizing the expenditure.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] makes the point of order against the amendment.

Mr. SPINOLA. Mr. Chairman, in answer to the point of order, permit me to say that there is no limit in the law as to the amount that shall be expended or appropriated for headstones for deceased soldiers. The door is wide open. To illustrate it, permit me to say that at Arlington, where there are some two thousand unknown Union soldiers buried, they were all covered with one large monumental headstone. There is no price fixed in the statute designating what a headstone shall cost. Therefore this amendment comes within that law.

The CHAIRMAN. Was the headstone at Arlington, which the gentleman speaks of, provided for under a general appropriation bill?

Mr. SPINOLA. It comes under the same law that I have referred to, which allows a headstone for every Union soldier, not only at Arlington, but in any of the national cemeteries in the country or any cemeteries in cities, villages, or towns of a local character. Therefore this comes broadly within the range of that law. But in order that the Chair may not be embarrassed—I know he desires to do justice to both sides of this question—I will ask the Chair to submit the point of order to the committee for its decision. I believe that to be a fair and impartial way to decide it, and it will let us out, either one way or the other. If the House of Representatives shall decide this proposition is a proper amendment, which should be considered at this time, why then I know my friend from Illinois [Mr. CANNON] will make no further objection, and I will submit if I am voted down. Although I can not say that I will submit cheerfully, nevertheless I will surrender to the will of the committee, whatever that may be. I ask the Chair to submit the question, because it would take a long time to discuss it, and I do not wish to waste the time of the committee. The statute is all in favor of my proposition, and therefore I will ask that it may take that course, without addressing myself to the merits of the question yet.

Mr. ADAMS. Mr. Chairman, one word against the point of order as stated by my colleague [Mr. CANNON], who says that the point he makes is that there is no existing law authorizing this appropriation. That is not a good point of order. The rules provide that certain appropriations may be made, although there is no law authorizing the purpose for which the appropriation is made, and it is in my interest, and the interest of every member of this House, that this rule, under which points of order are so often made, shall be clearly stated, and that the point of order shall go to the precise question on which the rule hinges.

Now, the question is not whether there is a statute authorizing the appropriation, but the question is whether, in the absence of such statute, this appropriation is one for a public work or purpose already in progress. And I ask the Chair to consider that question as well as the question whether there is a statute authorizing it; for if the Chair should come to the conclusion that there is no statute, still the Chair can hold this to be in order if it is in promotion of a public work or purpose already in progress and if such appropriations have been made, not perhaps in this particular place, but in other places. If the Chair shall hold that the erecting of Revolutionary monuments is a public work or purpose already in progress, then, although there is no statute authorizing it, it is in order.

The CHAIRMAN. The Chair will submit this question to the committee.

Mr. CANNON. Now, Mr. Chairman, I only want to say one word. That this amendment is not in order upon a general appropriation bill, as the Chair and all the members of the committee are aware, only needs to be stated to be universally recognized. There is no legislation authorizing it. There have been for years upon the Calendar, in one Congress after another, bills providing for this work. Congress has never seen fit to pass them. My colleague from Illinois puts it upon the ground of a public work in progress. It does not seem to me either a public work or object in progress. Now, it may be that it will be the sense of the House, when this bill comes up for consideration upon its merits, to pass it. If so, I have nothing to say, and will cheerfully acquiesce.

But here is a great bill, carrying \$35,000,000 or \$36,000,000, running to every branch of the public service. If this precedent is made there is no reason why every monument bill of the thirty-five or forty that are upon the Calendar, one at Trenton, in the district of my honored friend from New Jersey [Mr. BUCHANAN], one in Ohio, and others at various points, should not come in upon this bill, carrying in the aggregate many hundreds of thousands if not millions of dollars. Nor is there any reason, if this be in order, why every proposition resting upon the Calendar for lighthouses and for all nature of improvements should not come in upon this bill, notwithstanding they are not authorized. The same is true as to the Grant monument.

Mr. BUCHANAN, of New Jersey. Mr. Chairman—

The CHAIRMAN. Before the gentleman from Illinois [Mr. CANNON] concludes, what has he to say as to the point made by the gentleman from New York [Mr. SPINOLA] as to how the monument at Arlington to the unknown dead was provided for?

Mr. CANNON. I have simply to say that the gentleman from New York [Mr. SPINOLA], as I understand, is mistaken.

Mr. SPINOLA. Permit me to say that I have visited that monument at Arlington, and it bears an inscription that it is erected to 2,200 unknown dead, who are all covered by that one monument.

The CHAIRMAN. But what as to the provision to pay for its erection?

Mr. SPINOLA. It was taken out of the million dollars appropriated for headstones.

Mr. CANNON. I understand not.

Mr. SPINOLA. I understand that it was.

The CHAIRMAN. The proposition upon the part of the Chair to submit the question to the committee was based on the assumption that the statement of the gentleman from New York was correct.

Mr. CANNON. But I respectfully submit that the gentleman from New York is mistaken. And even if his statement were correct, that the monument at Arlington to the 2,200 unknown dead was erected from the appropriation for headstones for soldiers of the Union Army, his proper course would be to move to increase the amount for headstones; but instead of that he moves a specific appropriation of \$100,000 for a monument to be erected in Brooklyn, where none exists, to the soldiers who died in the prison ships during the Revolutionary war.

I agree that it would be in order for the gentleman from New York to move an amendment of \$1,000,000 or \$5,000,000 to the item in the bill, and then, if there could be found authority to build the monument, it could be built. My own opinion is that there is no authority to build it, even with the appropriation added to the text of the bill. I will say, further, that the very manner in which the gentleman puts the amendment, not a proposition to increase the amount for headstones, which would be the ordinary and proper amendment from his standpoint, but to set aside \$100,000 and appropriate it for this specific work, shows that the gentleman is mistaken, even from his own standpoint.

Mr. SPINOLA. That is the business way of doing it. Now, I wish to make this statement, Mr. Chairman—

Mr. BUCHANAN, of New Jersey. Mr. Chairman, if this proposition is to be submitted to the committee I wish to amend it in order that the amendment may go with the proposition and be submitted with it. I think that is only fair.

The CHAIRMAN. A point of order is pending.

Mr. BUCHANAN, of New Jersey. I understand that, but I desire to submit the amendment.

Mr. DOCKERY. Let the amendment be read.

The amendment was read, as follows:

Add the following: "For the erection of a suitable monument upon the battlefield of Trenton, in the State of New Jersey, after approval of the design therefor by the Secretary of War, \$30,000: *Provided*, That the Trenton Battle Monument Association shall raise and expend for said object a similar amount."

Mr. CANNON. I make the point of order against that also.

The CHAIRMAN. It is read only for information.

Mr. McCOMAS. Mr. Chairman, this is a very plain proposition. This amendment of the gentleman from New York is in no sense germane. This clause of the bill provides simply for headstones for soldiers' graves under acts of 1872, 1873, and 1879, which require that, the location of the graves once being known, there shall be advertisement, proposals, bids, and acceptance according to a certain price already fixed, and this amendment has no relation to the graves in question. If this were in order we should want to bring in here the monument to General Grant, too long delayed, the monument to Francis Scott Key, the monument at Trenton, and monuments on other battlefields of the Revolution.

But the appropriation in the bill is simply for the gravestones of Union soldiers, sailors, and marines of the late war, and every clause in the act referred to relates only to those of the late war. The amendment is not germane; it is not related; it is not for an object or public work in progress; it is absolutely irrelevant. And it is a mistake of fact for the gentleman from New York to say that the monument to the unknown dead at Arlington was provided for in this way. That was done by a separate appropriation in a distinct appropriation act.

Mr. SPINOLA. Turn to the law.

Mr. McCOMAS. It is back a few years, and I am not bound to furnish my friend his law. He is bound to show the law which he asserts.

Mr. SPINOLA. But I deny your statement.

Mr. McCOMAS. And when my friend states that there is no act providing for that monument at Arlington he is bound to produce the law under which he says the appropriation was made, and when he undertakes to do that he will find it as I have stated.

Mr. ADAMS. I wish to ask the gentleman from Maryland a question. If there were an appropriation for the "unknown dead who fell at the battle of Brandywine, in the Revolutionary war," and it was proposed to amend that by inserting an appropriation for the unknown dead who fell at the battle of Trenton, in the Revolutionary war, would that be in order?

Mr. McCOMAS. Not a bit more germane than an amendment to provide for a monument to the unknown dead who fell at Marathon. These are distinct historical incidents, different transactions in time, having no relation to each other. If this amendment be admitted, it

means the offering of a long catalogue of amendments to this section, limited only by the parliamentary right of amendment. Why, Mr. Chairman, the entertaining of such an amendment as this would be a violation of every idea of what is germane.

Mr. ADAMS. To make my point clear, will the gentleman yield for another suggestion?

Mr. McCOMAS. I will.

Mr. ADAMS. Suppose there were in the bill an appropriation for erecting monuments to the unknown dead of the Delaware line at a particular battle; and suppose it were proposed to amend by inserting an appropriation to erect monuments to the unknown dead of the Virginia line who fell in the same battle. Would that be germane?

Mr. McCOMAS. My point is that where the bill contains an appropriation for the erection of headstones, confined exclusively to Union soldiers, sailors, and marines who died in the late war; when the existing law points out that these particular soldiers and none others shall have erected to their memory at a particular place headstones of a certain cost and size, to be supplied upon bids and proposals fixed by the terms of the law, an amendment of this character referring to those who died in another war and under different circumstances is not germane.

Mr. CANNON. Will the gentleman allow me in his time to send to the Clerk's desk and have read the statute covering the erection of these headstones?

Mr. McCOMAS. I yield for that purpose.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to erect headstones over the graves of soldiers who served in the regular or volunteer Army of the United States during the war for the Union, and who have been buried in private, village, or city cemeteries, in the same manner as provided by the law of March 3, 1873, for those interred in national military cemeteries; and for this purpose, and for the expenses incident to such work, so much of the appropriation of \$1,000,000, made in the act above mentioned, as has not been expended and as may be necessary is hereby made available.

The Secretary of War shall cause to be preserved in the records of his Department the names and places of burial of all soldiers for whom such headstones shall have been erected by authority of this or any former acts.

Approved February 3, 1879.

Mr. SAYERS. Mr. Chairman—

The CHAIRMAN. The Chair is prepared to rule on this question.

Mr. SAYERS. Very well.

The CHAIRMAN. When the gentleman from New York [Mr. SPINOLA] had presented his amendment and concluded his observations the Chair intimated that he would leave the question of order to the committee upon the assumption—

Mr. SPINOLA. Mr. Chairman—

The CHAIRMAN. The Chair prefers to proceed.

Mr. SPINOLA. Before the ruling is made I would like to be heard a few minutes on the question.

The CHAIRMAN. The Chair is prepared to rule. The gentleman can get at what he wants in a proper way, which the Chair will indicate.

When the Chair made the intimation to which he has just referred, reference had not been made to the statute; and the Chair assumes there would be no dispute as to the question of fact in regard to these memorial tablets erected at Arlington to the memory of the unknown Union dead. That, however, seems to be disputed; but the statute is not disputed. By reference to the original act as embraced in section 4877 of the Revised Statutes, it will be found that provision is there made for the erection of headstones, and that provision is limited to the erection of headstones in national cemeteries and to the memory of the Union dead, those who died in the late war.

This act has been amended on two different occasions, the last amendatory act, as the Chair finds on examination, being that of February 3, 1879, which enlarges somewhat the provisions of the original act, so as to include not only soldiers, sailors, and marines of the late war, buried in national cemeteries, but those buried elsewhere than in national cemeteries. This amendment, however, is for another purpose altogether; and the Chair is constrained to hold that it is not in order; but the gentleman may take the sense of the committee, in the usual way, if he desires to appeal from the decision of the Chair. There will be no feeling in reference to the matter on the part of the Chair.

Mr. SPINOLA. It is an unpleasant thing to appeal from the decision of the Chair where one entertains so much respect for the presiding officer as I do for the present Chairman, who agreed to submit that question to the Committee of the Whole, but, owing to the discussion which has taken place, withdraws that proposition, and now asks me to appeal. I certainly have no relish for such a course as that, owing to my great respect for the present occupant of the chair. Nevertheless, the gentleman who has thought proper to oppose this proposition, who has resisted the enlargement of the statute, does not, in my judgment, utter the sentiment of the American people, who have been for a great many years asking that justice may be done to the memory of the heroes and patriots referred to in my amendment, who died for their country under the most trying circumstances. [Cries of "Regular order!"] You can have the regular order in due time. Mr. Chairman, I ask unanimous consent to address the Committee of the Whole on this question.

The CHAIRMAN. Is there objection?

Mr. BREWER. Let us know how long. I do not want this to last all day.

Mr. SPINOLA. Give me twenty or twenty-five minutes.

Mr. BREWER. I object to that length of time.

Mr. SPINOLA. How much time is the gentleman willing I should occupy?

Mr. BREWER. Ten minutes.

Mr. SPINOLA. Very well, I will take ten minutes, and then I will appeal to the courtesy of the House.

Mr. ANDERSON, of Kansas. I would like fifteen minutes on the railroad question. [Laughter.]

The CHAIRMAN. The gentleman from New York [Mr. SPINOLA] asks unanimous consent that he be permitted to make an explanation of his amendment for ten minutes. If there objection? The Chair hears none.

Mr. SPINOLA. Mr. Chairman, the two items in this bill just preceding the one to which I have proposed the amendment, which the chairman of the committee holds to be out of order, are practically for the same purpose, one calling for an appropriation of \$100,000 for maintaining our national cemeteries. One hundred thousand dollars of the money of the public is thus spent, and wisely spent, in my judgment, and I have no fault to find with it. I commend the expenditure of money to maintain the national cemeteries in which sleep our Union dead. The next item is an appropriation of sixty-one thousand and some odd dollars to pay for the superintendence of our national cemeteries. These two sums aggregate \$161,000 of the people's money applied to these two items alone. These men, in whose honor this money is appropriated, died; they perished to save and to perpetuate this Union. But, Mr. Chairman, the men whose memory I propose to perpetuate and honor perished and died in order that the Union might be created. They were Union soldiers, noble sons of liberty in every sense of the word. A union of the colonies to provide means for the common defense and the general welfare of the thirteen original Colonies was the cause of the 11,500 men entering the Army, and in pursuance of the compact existing between the thirteen Colonies, with no continental government behind them on which they could fall back, but relying upon each other and trusting in the love of liberty which existed in each of the Colonies, they entered the service of the Union and pledged their lives in order that the grand Republic might be established. But now, upon mere quibbles, upon points of order, we find gentlemen, occupying the high and responsible position of Representatives of the people on this floor, unwilling to do justice to these men and raising questions of obstruction at every stage of the progress of this measure, to prevent them from being honored by the people who enjoy the blessings won by their lives and patriotic services.

The bill that I hold in my hand calls for an expenditure of between three and four millions of dollars of the public money to take care of soldiers' homes and for other purposes connected with the Union soldiers, while here a whole corps of men, if they had been living and put into the field, 11,500 in number that we know of, besides many of whom we have no record, died and died for the Union. They were Union soldiers, I repeat, in every sense of the word, as much as any man who fought under Grant, Meade, or McClellan, or any of the other great leaders of the late war. That being the fact, am I not justified in appealing to the American people, through their Representatives on this floor, for this trifling sum of \$100,000, a sum trifling as compared with the great question of appropriations made for the survivors of the late war?

A million of money is carried in the statute which was read a few moments ago for headstones for the soldiers and sailors of the Union Army. Why, sir, some of the men who perished in these dungeons to which I have alluded were at Bunker Hill; they were behind the intrenchments there with Warren. Some of them served with Paul Jones on the ocean, and we find them gathered in from every battlefield of the Revolution, from the deck of every privateer that rode the waves with the American flag at her masthead.

What has become of the patriotism of the American people, if they, through their Representatives on this floor, will not demand that justice shall be done to the memory of these men? Why, sir, I could not find words or language with which to express my dissent. I do not wish to be offensive; that I will not be, for it is not my custom; but when I look around me and see what has been done for the men who saved the Union, under the flag which hangs over this House to-day, and then look back and see what these men suffered, whom I would honor by this monument, what they endured, and the martyrdom to which they were subjected, I can not believe that the American people will be deaf to the appeal I make to them.

Starving in dungeons, fed on the refuse of the British army, these men were approached by the emissaries of the British Government, offered their liberty and their lives and the pay of the British army if they would enlist in its service. Had these 11,500 men, sons of liberty as they were, taken service under the British flag, they would have driven Washington from the field. He could not, sir, have faced the British army under either Cornwallis, Burgoyne, or any of the British commanders with 11,500 sons of liberty arrayed against him under the English flag. But they replied, in response to the emissaries of

Great Britain, "No; we will die first. We will stand by Washington and the flag of liberty, and perish in our dungeons ere we will turn our backs upon our country." They refused, and they died.

Why, sir, there can be no such a thing as a coward on the field of battle. A coward on the field of battle is unknown. There the roar of cannon, the crack of the rifle, the clash of the saber, the charge of cavalry, make brave men of all. But when you take men from the mad scene of excitement that a battle produces, and place them in a dismal dungeon, with starvation staring them in the face, there are none of the immediate incentives to bravery. And yet, suffering as these men did, with nothing to eat but the condemned rations of the British army, food condemned as unfit to be fed to the British soldiery and fit only to be thrown away, but which was fed to the American prisoners on the prison ships, they were still brave and defiant. Oh, Representatives of the American freemen, is there no patriotism left in your hearts to honor and commemorate such heroism as that? Can you do nothing to perpetuate the memory of such men? Must rules be strained and every technical appliance of the law solicited to restrain the patriotic love of the American people for such men? Why, the courage of the Spartan youth could not compare with the courage of these men.

If my friend from Illinois, who is on the Committee on Rules, would consent to fix a day for the consideration of the bill which I have been asking this House to pass, I would be willing to accept it, and even take a night to discuss it. But, sir, they do not feel disposed to do even that, although you find all over the country that they are organizing the Sons of the American Revolution and the Daughters of the American Revolution. Right here in the city of Washington we have one organization of that kind. The men who are descended from the loins of the patriots who sacrificed their lives and their liberty in order to aid Washington in the great struggle in which he was engaged are now banding together all over the land, and you will hear from them in time. They will come to this House, speaking in tones that will not be misunderstood, and when they reach here I am satisfied that the representatives of the American people will pay respect to their request. There is no use in talking any longer. I shall not appeal from the decision of the Chair, but I shall take my chance in the future; and I want to notify you that from this time on, every day, when I can get the chance, I will be after you. Before I close, let me call the attention of the House to another fact.

The CHAIRMAN. The gentleman's time has expired.

Mr. SPINOLA. Well, I will ask two or three minutes more.

Mr. HOOKER. I ask unanimous consent that the gentleman be allowed to proceed.

The CHAIRMAN. The gentleman will complete his sentence.

Mr. SPINOLA. A few days ago I took the liberty of telling this House where, in my judgment, could be found the spirits of those sons of liberty. I said they were in the keeping of the angels, that they were being rocked by them in the cradle of liberty. But, sir, there are some evil spirits that have crept into this House, the spirits of some Hessians, undoubtedly. They were not with Washington. They were not the friends of Lafayette. They did nothing toward the success of the Continental Army. No, they did all they could to destroy it; and, in my judgment, some of those Hessian spirits crept in here the other day, and, as my friend from Arkansas [Mr. ROGERS] would describe it, hypnotized the reporter of the New York Sun, a paper which "shines for all" and which is uniformly correct. But this reporter, hypnotized by the spirit of a Hessian, sent a communication to that paper setting forth the fact that the bill for the monument to the martyrs had passed this House by a vote of 135 to 55. That was, sir, the result of the influence of one of these evil spirits, and it is to down them, when the time comes, that I shall ask unanimous consent at the very first opportunity to call up a bill covering the point to which I have referred. [Applause.]

The Clerk proceeded with the reading of the bill.

Having read as follows:

Chickamauga and Chattanooga National Park: To enable the Secretary of War to complete the establishment of the Chickamauga and Chattanooga National Park according to the terms of the act entitled "An act to establish a national military park at the battlefield of Chickamauga," approved August 19, 1890, \$200,000: *Provided*, That the Secretary of War, upon the recommendation of the Chickamauga Park Commissioners, may confine the limits of the park to such reduced area, within the bounds fixed by the said act, as may be sufficient for the purposes of the said act; and the acquisition of title for the United States to such reduced area shall be held to be a compliance with the terms of the said act, and in acquiring such title the Secretary of War is further authorized to proceed in accordance with the methods prescribed in sections 4, 5, and 6 of the act approved February 22, 1867, entitled "An act to establish and protect national cemeteries," and the Secretary of War shall proceed with the establishment of the park as rapidly as jurisdiction over the roads of the park and its approaches and title to the separate parcels of land which compose it may be obtained for the United States.

Mr. GROSVENOR offered the following amendment:

On page 73, strike out, in lines 18 and 19, the following words: "In acquiring such title the Secretary of War is further authorized to proceed," and insert in lieu thereof the following: "Such title shall be procured by the Secretary of War and under his direction."

In line 23, after the word "cemeteries," insert: "Which procurement of title shall be held to be in compliance with the act establishing the said park."

Mr. GROSVENOR. Mr. Chairman, the proviso with the proposed

amendment will enable the Secretary of War, in procuring title to the Chickamauga Park, to avail himself of the act under which title has been secured in all parts of the country for national cemeteries, which act affords a less expensive and more expeditious method of condemnation than the one cited in the act establishing the park, since the State of Georgia has no general law regulating condemnation proceedings.

The amendment was agreed to.

Mr. BUCHANAN, of New Jersey. I move to strike out the last word, and I do it for the purpose of calling the attention of the committee to a line of procedure which seems to have been adopted by Congress, which I have no personal objection to, but it does seem to me it should have been preceded by another line. Here is an appropriation of large sums of money for the purpose of creating and beautifying a park on the battlefield of the late war. To that I have no personal objection, but it does seem to me, following the line of thought of the gentleman from New York [Mr. SPINOLA], that the first duty of this Republic is to mark the battlefields, not where Americans met Americans, but where Americans met a foreign foe. I do not object to the one, but we should have the other. I, too, like the gentleman from New York [Mr. SPINOLA], have been the victim of adverse parliamentary circumstances in connection with legislation on this subject.

I live upon one of the Revolutionary battlefields, that of Trenton, where was fought a battle the result of which sent a thrill of joy through the American heart and made success in that struggle possible. I introduced a bill in the Forty-ninth, Fiftieth, and again in the Fifty-first Congresses, providing, not that the Government should erect a monument there, but that it should have the privilege of contributing, with our own citizens, toward the erection of a modest monument to mark that spot. We ask that the United States of America shall have the privilege of joining with us in that work. We offer to give one-half. Up to this time the parliamentary situation has been such that it has been impossible to obtain a vote upon that bill; and, like the gentleman from New York I here and now give you notice that whenever possible I shall, as I have in the past, press that bill, and whenever, if ever, the bill comes up in order, I shall ask you to aid in its passage, and thus give you an opportunity to join with us in this patriotic work. Of course, if the proposition of the gentleman from New York was out of order on this bill, and it clearly was, mine would have been also; else I would have offered it as an amendment.

The CHAIRMAN. The formal amendment will be considered as withdrawn and the Clerk will read.

The Clerk proceeded with the reading of the bill.

Having read as follows:

Artificial limbs: For furnishing artificial limbs and apparatus, or commutation thereof, and necessary transportation, to be disbursed under the direction of the Secretary of War, \$125,000; hereafter in cases of commutation the money shall be paid directly to the soldier, sailor, or marine, and no fee or compensation shall be allowed or paid to any agent or attorney.

Mr. SPINOLA said: I move to strike out the last word, and in the same line of argument that I have indulged in I desire further to say that I am in the ring to-day on this question, and I am not going to spar for points either, but I am going in for a clean knockout, every chance I get. I find I have got to fight if I get anything. Here is an appropriation of \$125,000, for one year, for artificial limbs for our Union soldiers. Now, I have no objection to that. I shall vote for it. When you come to look back a hundred years these eleven thousand five hundred American freemen perished without having any appropriation for artificial limbs for them. No appropriation of any kind was made to take care of them in their dungeons, and nothing was done by this country in any way to relieve their condition. They remained there, surrounded by filth and vermin such as no men ever taken prisoners of war had ever been subjected to, and I scarcely know of any since. Then comes next an item of \$200,000 more.

Why, sir, these men were disabled by disease that filth and vermin brought upon them, and they were compelled frequently to crawl to the hog troughs on board those ships to share with the swine what had been put in the troughs for them to feed upon in order to keep soul and body together; and yet there is not patriotism enough apparently in this House to do justice to the memory of these men.

Mr. CLEMENTS. The House would pass it but for the point of order.

Mr. SPINOLA. Yes; and I am hammering at it to get the House to come up to that point. I withdraw the amendment and will wait until the next item is read.

The Clerk read as follows:

Support and medical treatment of destitute patients: For the support and medical treatment of ninety-five medical and surgical patients who are destitute in the city of Washington, under a contract to be made with the Providence Hospital by the Surgeon General of the Army, \$19,000.

Mr. SPINOLA. I move to strike out the last two words.

Mr. CANNON. I hope my friend will allow us to go on now that we have allowed him fifteen minutes, that he occupied so well.

Mr. SPINOLA. It took seven years for Washington to achieve the liberties of this country, and fifteen minutes for one who is trying feebly to represent his associates is not sufficient time.

Mr. CANNON. I wish my friend would permit us to go on.

The CHAIRMAN. The gentleman from New York has the floor.

Mr. SPINOLA. Will my friend consent to do this? He is on the Committee on Rules. Will that committee fix a day and give us half an hour for the consideration of this measure? If he will, I will sit down and thank him, and "posterity will rise up and call him blessed." [Laughter and applause.]

Mr. BUCHANAN, of New Jersey. I will say that I myself introduced such a resolution, and it has been slumbering in that committee for a long time.

Mr. SPINOLA. Will not the gentleman's committee appoint a day? Will you not do something to quiet the heart of the American people and quiet us?

Mr. FLOWER. The gentleman is soon to be made Secretary of the Treasury.

Mr. SPINOLA. And now that my friend is on the verge of becoming Secretary of the Treasury of the United States [Cries of "Good!" and laughter and applause] I know that in the goodness of his heart and with his patriotic desire he will fix a day and give us an hour for the consideration of this measure. Will you not do that, my dear friend? [Renewed laughter.]

Mr. CANNON. I will say to my friend that I would favor, if I can not do any better, setting aside the first three weeks of the next session for my friend from New York [Mr. SPINOLA] and my other friend from New Jersey [Mr. BUCHANAN] on that question. [Laughter.]

Mr. BUCHANAN, of New Jersey. The gentleman from Illinois is like the fellow who took the Savior up into a high mountain and offered him all the earth, when he did not own a foot of it. [Renewed laughter.]

Mr. SPINOLA. Mr. Chairman, I thank my patriotic friend from Illinois for his kindness. Why, here the other day he had a bill granting \$250,000 for the erection of a monument to himself in his own Congressional district in Illinois in the shape of a courthouse, on the front walls of which will be inscribed: "This building was erected to the memory of JOSEPH CANNON" [laughter and applause]—

Mr. OUTHWAITE. "Late a member of Congress."

Mr. SPINOLA. "Late a member of Congress, having served twenty years in that body." I sat here in my place when that was proposed, with the right of a member to say, "I object to its consideration;" but I would not do it, because I would not be unkind to him. After twenty years' service I thought there should be something by which he should be commemorated in the hearts of his constituents. [Laughter.]

Now, sir, I hope that my friend will give us a chance on this question. I do not wish to detain the House, but this question is so important to the sons and daughters of the Revolution that I would be derelict in my duty if I should fail to take advantage of every opportunity that offers to bring it before the House. I am going to appeal to my friend from Texas [Mr. SAYERS] after awhile, as he will want a monument to the men who fell at Alamo in defending the independence of Texas.

The Clerk read as follows:

At the Central Branch, at Dayton, Ohio: For current expenses, namely: Pay of officers and non-commissioned officers of the Home, with such exceptions as are hereinafter noted, and their clerks and orderlies; also, payments for chaplains and religious instruction, printers, bookbinders, telegraph and telephone operators, guards, policemen, watchmen, and fire company; for all property and materials purchased for their use, including repairs not done by the Home; for necessary expenditure for articles of amusement, boats, library books, magazines, papers, pictures, and musical instruments, librarians and musicians, and for repairs not done by the Home; also, for stationery, advertising, legal advice, and postage, and for such other expenditures as can not properly be included under other heads of expenditure, \$63,036.80.

Mr. SPINOLA. I move to strike out the last word.

Now, sir, I want to draw a contrast. While I am engaged in this struggle I propose every now and then to drop a shell into the enemies' camp. The item just read provides for \$63,000 at the "Central Branch, at Dayton, Ohio." It calls for "bookbinders, telegraph and telephone operators, guards, policemen, watchmen, and fire company."

Why, sir, nearly five hundred American prisoners perished on one of these prison ships because there was no fire company to extinguish the flames when it took fire. Nearly five hundred prisoners perished on that night in the hold of the Stamboul, in which they were confined when it burned. Now, we are taking good care of our Union soldiers, God bless them, and I am glad that the Government is doing so. I wish we would also take a little more care of those who perished, as I have suggested in my former remarks.

And now I see another item here, and I am willing to compromise on that, which provides that every Union soldier who dies within the District of Columbia shall be buried at the expense of the General Government, and the bill appropriates \$50 to meet the expenses thereof in each case.

Now, sir, I am willing to compromise. If you will give us \$50 for each of these patriots, that will amount to \$555,000, but I am willing to compromise the amount and call it \$10 apiece, which will give us \$115,000, \$15,000 more than we are asking for here. There certainly ought to be enough generosity in this House to accept such a liberal proposition as that.

Mr. HERBERT. Will you not take off the \$15,000, and make it even money? [Laughter.]

Mr. SPINOLA. I will. I will accept the \$100,000, which is a mere trifle compared with what the amount ought to be for such a proposition as that which I have submitted. [Laughter.] I only desire to call the attention of the House to these facts now as we advance with the bill, so that by and by when I get an opportunity to bring the matter up for consideration, it will be fresh in the memories of members. [Laughter.] Bear in mind, gentlemen, that there was nothing paid out of the Treasury to bury these patriots. Not one dollar of the Government's money went to them. They never saw the color of a dollar of Continental money. They went into the service and never received pay or clothing or anything else, and most of them furnished their own arms.

[Here the hammer fell.]

The Clerk read as follows:

At the Marion Branch, at Marion, Ind.: For maintenance of one thousand members, at \$150 per annum each, \$150,000.

Mr. MARTIN, of Indiana. Mr. Chairman, I move to strike out the last word. In order to prepare the way for an amendment which I desire to offer, I send to the Clerk's desk and ask to have read a letter from Mr. Thayer, the president of the Veteran Relief and Industrial Association.

The letter was read, as follows:

[Headquarters Veteran Relief and Industrial Association, 125 Clark street, room 58.]

CHICAGO, ILL., December 20, 1890.

MY DEAR SIR: This association has constant applications from destitute and disabled volunteer soldiers seeking admission to the National Soldiers' Home. Many of them desire admission to Marion Branch, and Captain Boggs, the agent here, says that you are so crowded at Marion at present that no more can be admitted. Will you kindly inform us if this is the fact? And if within your knowledge also inform us why your resources are so limited and what can be done to relieve the situation.

In conclusion, general, allow me to say that these questions are not prompted by idle curiosity, but to enable us to answer the questions constantly put to us by those who are disabled and homeless.

I have the honor to remain yours, with high esteem.

M. A. THAYER, President.

General A. F. DEVEREUX,
Acting Governor Marion Branch.

Mr. MARTIN, of Indiana. Now, Mr. Chairman, I desire to have read the reply to that letter.

The reply was read, as follows:

MARION, IND., December 23, 1890.

DEAR SIR: Your favor of 22d instant just received. You have been informed correctly by Captain Boggs in regard to our position here. We are overcrowded at this branch of the national home. Every possible nook and corner where some old soldier can be cared for is filled.

One of the barracks has to be devoted to hospital purposes, as we have no hospital proper. Just lately, moreover, the surgeon has called upon me for an additional ward.

I have felt compelled to ask that no more men be sent here simply because we can not accommodate any more.

Like to yourself, men come sometimes from long distances hoping and expecting to find shelter here because of their right as worthy discharged soldiers. I have to refuse them. It need hardly be stated why it is done. Nothing but the imperative necessity would permit me to turn one away; but when our limits are reached I am of course powerless.

In answer to your further question as to "why our resources are so limited and what would be the proper remedy," I would respectfully refer you to General John C. Black, of your city, local manager for this branch home.

In a general way I might say that without doubt the board of managers would be only too glad to have at their disposal sufficient means to arrange for the care of these men, whose needs they are familiar with from daily calls for aid which can not be met.

Most sincerely,

A. F. DEVEREUX, Acting Governor.

M. A. THAYER, Esq.,
President Veteran Relief and Industrial Association,
125 Clark street, Chicago, Ill.

Mr. MARTIN, of Indiana. Now, in connection with those two letters I want to have one read addressed to myself as a member of this House. I think it probable that every other member of the House has received a similar letter, but lest that should not be so I ask to have this read for information.

The letter was read, as follows:

[Headquarters Veteran Relief and Industrial Association, 125 Clark street, room 58.]

CHICAGO, ILL., December 31, 1890.

DEAR SIR: Below is a copy of the letter that we have written to the different members of Congress at the suggestion of General John C. Black. Trusting it will be satisfactory to you, it is as follows:

We have the honor to transmit herewith a letter recently received from General A. F. Devereux, governor of Marion branch of the National Home for Disabled Volunteer Soldiers, and also a copy of our letter in reply to it. These letters will explain themselves, but we desire to supplement them with the statement of the fact that this city and region are filled with men who are disabled and destitute, and who, although entitled to admission to these asylums, are unable to gain it because they are filled to overflowing.

The branch at Marion, Ind., is in process of building and can readily be completed to its designed proportions if Congress will only make the necessary appropriation. May we respectfully urge upon you the necessity of prompt action and ask you to give the matter prompt attention?

Yours, respectfully,

M. A. THAYER, President.
G. W. LAMPKINS, Corresponding Secretary.

Hon. A. N. MARTIN,
Member Congress.

Mr. MARTIN, of Indiana. Now, Mr. Chairman, I withdraw the pro forma amendment and offer that which I send to the Clerk's desk.

The amendment was read, as follows:

At the close of line 23, on page 87, insert the following:

"For headquarters, \$10,000; for officers' quarters, \$10,000; for chapel, \$7,500."

Mr. MARTIN, of Indiana. Mr. Chairman, these amounts for these special purposes were recommended by the National Board of Managers of Volunteer Homes last winter. They were recommended in connection with the recommendations for allowances for other purposes. The allowances I refer to can be found on page 6139 of the RECORD of the last session, and they were, amongst other things, for the amounts and the purposes specified here.

As to the other matters recommended by the board, either partial or full allowance was made in the sundry civil bill, but as to these items for headquarters, for officers' quarters and offices, and for a chapel, no amount whatever was allowed. I desire to say further that when attention was called to this matter at the time, it was suggested by the chairman of the Committee on Appropriations, the gentleman from Illinois [Mr. CANNON], that allowances could be made for these other purposes in the future.

Now, having called the attention of the Committee of the Whole to the need for additional quarters and accommodations there, I want to say this: I myself personally visited the quarters of the soldiers' home referred to, which is in the district I have the honor to represent, and I found that a portion of the space that ought to be devoted to the accommodation of the old soldiers entitled to admission had to be used for officers' quarters, even in some of the barracks. By the adoption of these amendments (which in all will take only a comparatively small amount of money, \$33,500) great additional accommodations will be afforded.

Let me say, further, that the headquarters now used are, as I stated in my remarks on this same subject at the last session, in an old farmhouse forty or fifty years of age, into which the rains of spring, the dust of summer, the winds of autumn, and the snows of winter pass without let or hindrance. They are not fit quarters; they are not a fit residence for the governor of the home, but he has to live there because the home is 3 miles from the city of Marietta.

I say to the members of this committee and of this House, I earnestly ask that you will make these appropriations, and assure you that in making them you will subserve the interests of the old soldiers and at the same time carry forward the great work that is going on at that home. As to fuel and heat, the home is so situated that they are supplied from the natural-gas wells dug upon the farm, which contains 211 acres, so that this home is one of those which can be maintained at the least expense to the Government of the United States.

I know it is true that the national board of managers, in their most recent report to the Committee on Appropriations, have made no recommendation except for the \$150,000 to be appropriated for maintenance; but I take it to be a fair deduction that, in view of their recommendation made before and so recently, they deemed it unnecessary to repeat that recommendation, which stands before this House and this committee entitled to its full weight, and ought, it seems to me, to authorize the passage of this amendment.

Mr. CANNON. Mr. Chairman, in reply to the gentleman, I wish only to say that the Committee on Appropriations recommend literally the estimates submitted with reference to the Soldiers' Home at Marion and every other soldiers' home. In this appropriation we provide for eleven hundred more persons next year than are in the homes this year; we provide for a thousand more in the State homes next year than are in them this year.

The gentleman brings here and has read a letter from a subordinate in regard to the desirability of officers' quarters; yet the board itself, and I hold its report in my hand, says, touching the Marion Branch:

This branch is in too crude a state to justify detailed estimate. The eight barracks will, when completed—

And they are appropriated for in full; six are now occupied—

hold a thousand men; and the prospect now is that that number of men will be present at that branch early in 1892.

We provide for the thousand men. Now, Mr. Chairman, I am ready for a vote.

The question being taken on the amendment of Mr. MARTIN, of Indiana, it was rejected, there being ayes 65, noes 101.

The Clerk read as follows:

For payment of amounts of bounty under the act of July 28, 1866, that may be certified to be due by the accounting officers of the Treasury during the fiscal year 1892, so much therefor as may be necessary is hereby appropriated.

Mr. SAYERS. Mr. Chairman, I move to amend by striking out the last word. I desire to call attention to this and the three succeeding clauses, which are indefinite in their character. As the policy of the majority side of this House in the matter of back pay, bounty, etc., has been declared in favor of indefinite appropriations, I feel it my duty to again protest against such a policy and to call the attention of the committee to the estimate by the Treasury Department of what will be expended under these four provisions during the fiscal year 1892:

For payment of amounts for arrears of pay to two and three years' volunteers, \$672,000; for payment of amounts for bounty to volunteers and their widows and legal heirs, \$431,000; for payment of bounty under act of July 28, 1866, \$54,000; for payment of amounts for commutation of rations, \$40,000; in all, \$1,197,000.

These are the amounts which it is estimated will be expended under these four indefinite appropriations during the fiscal year 1892. And they should appear in the bill, and not in their present form.

I withdraw the *pro forma* amendment.

The Clerk read as follows:

PUBLIC PRINTING AND BINDING.

For the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, the Executive Office, and the Departments, including salaries or compensation of all necessary clerks and employes, for labor (by the day, piece, or contract), and for all the necessary materials which may be needed in the prosecution of the work, \$2,020,500; and from the said sum hereby appropriated printing and binding shall be done by the Public Printer to the amounts following, respectively, namely:

Mr. HOLMAN addressed the Chair.

Mr. SAYERS. I desire to offer an amendment.

Mr. CANNON. Let the whole paragraph be read first.

The CHAIRMAN. The Clerk will conclude the reading of the paragraph.

Mr. HOLMAN. The paragraph has been read, but not all the provisions in reference to this subject-matter. I have no objection to the Clerk concluding the reading of the whole, with the understanding that it will all be before the Committee of the Whole.

The Clerk (resuming) read as follows:

For printing and binding for Congress, including the proceedings and debates, \$808,000. And printing and binding for Congress chargeable to this appropriation, when recommended to be done by the Committee on Printing of either House, shall be so recommended in a report containing an approximate estimate of the cost thereof, together with a statement from the Public Printer of estimated approximate cost of work previously ordered by Congress, within the fiscal year for which this appropriation is made (all reserve work shall be bound in sheep); and the heads of the Executive Departments, before transmitting their annual reports to Congress, the printing of which is chargeable to this appropriation, shall cause the same to be carefully examined, and shall exclude therefrom all matter, including engravings, maps, drawings, and illustrations, except such as they shall certify in their letters transmitting such reports to be necessary and to relate entirely to the transaction of public business;

For the State Department, \$15,000;

For the Treasury Department, \$285,000, including not exceeding \$20,035 for the Coast and Geodetic Survey;

For the War Department, \$130,000 (of which sum \$12,000 shall be for the catalogue of the library of the Surgeon General's Office);

For the Navy Department, \$70,000, including not exceeding \$12,000 for the Hydrographic Office;

For the Interior Department, including the Civil Service Commission, \$340,000, including not exceeding \$10,000 for rebinding tract books for the General Land Office;

For the Smithsonian Institution, for printing labels and blanks for the "Bulletins" and annual volumes of the "Proceedings" of the National Museum, \$10,000;

For the United States Geological Survey as follows:

For engraving the illustrations necessary for the report of the Director, \$3,000;

For engraving the illustrations necessary for the monographs and bulletins, \$30,000;

For printing and binding the monographs and bulletins, \$25,000;

For the Department of Justice, \$7,000;

For the Post-Office Department, \$200,000;

For the Agricultural Department, including \$10,000 for the Weather Bureau, \$50,000;

For the Department of Labor, \$4,000;

For the Supreme Court of the United States, \$7,000;

For the supreme court of the District of Columbia, \$1,500;

For the Court of Claims, \$12,000;

For the Library of Congress, \$15,000;

For the Executive Office, \$3,000.

And no more than an allotment of one-half of the sum hereby appropriated shall be expended in the two first quarters of the fiscal year, and no more than one-fourth thereof may be expended in either of the two last quarters of the fiscal year, except that, in addition thereto, in either of said last quarters, the unexpended balances of allotments for preceding quarters may be expended.

For purchase of new printing presses, \$100,000;

To enable the Public Printer to comply with the provisions of the law granting thirty days' annual leave to the employes of the Government Printing Office, \$150,000, or so much thereof as may be necessary;

To pay pro rata leaves of absence to employes who resign or are discharged (decision of the First Comptroller), \$15,000.

Mr. CANNON. After consultation with members of the committee I am authorized to submit the amendment which I send to the desk.

The Clerk read as follows:

On page 97, in line 21, strike out "twenty" and insert "forty-five;" so as to read "\$2,045,500."

On page 99, in line 24, strike out "fifty" and insert "seventy-five," making the appropriation for printing for the Agricultural Department \$75,000.

The amendment was agreed to.

Mr. SAYERS. Mr. Chairman, I move to amend by striking out "\$2,020,500," in lines 20 and 21, page 97, and inserting "\$2,520,500." I make this motion for the reason—and the chairman of the Committee on Appropriations will bear me out as to the truth of the statement I am going to make—that the majority of the committee, led by the chairman, have "deliberately, willfully, and with malice aforethought" [laughter] appropriated \$833,416.69 too little for the Printing Office for the fiscal year 1892, thus creating a deficiency of that amount in this office alone, which a Democratic House will have to meet. Now, I say to the gentleman that I am willing we should bear a considerable portion of that deficiency; but it does seem to me that he ought to be willing to have this House appropriate up to within \$333,416.69 of what is necessary.

Mr. Chairman, I have felt it my duty—

Mr. DOCKERY. Do I understand the gentleman to say that the majority of the Committee on Appropriations have deliberately refused to the extent of \$833,000 to provide for the service of the Public Printing establishment for the next fiscal year?

Mr. SAYERS. I say so; and my friend, the gentleman from Illinois, will bear me out in the statement. [Laughter.]

Mr. CANNON. In reply to the gentleman from Texas [Mr. SAYERS], I want to say with the greatest frankness that I am satisfied, notwithstanding there is to be an economical House of Representatives next session, this appropriation recommended by the committee for public printing will not be sufficient for the service of the next fiscal year.

And I want to be equally frank with the House, and state that it has been so for a great many years, until it has become a kind of settled practice on the part of Congress to make two appropriation bills for the public printing. This practice was established under the leadership of the late gentleman from Pennsylvania, Mr. Randall, and the gentleman from Indiana [Mr. HOLMAN]; and I am not prepared to say that it is an unwise practice, for the reason that gentlemen know that if there is any one thing in the public service that is apt to run away with us it is this matter of public printing, and the amount of the deficiency for the coming fiscal year will depend very largely upon the action of the incoming Congress.

Now, in conclusion—

Mr. SAYERS. Will my colleague allow me to call his attention to a single fact in this connection?

Mr. CANNON. Certainly, if I have time.

Mr. SAYERS. Well, we will give you as much time as you want.

Mr. CANNON. I only want a very few moments.

Mr. SAYERS. I desire to call your attention to the deficiencies under the supposed policy which you say was inaugurated under the leadership of Mr. Randall and Judge HOLMAN.

The deficiency for 1886 was \$231,500; for 1887 it was \$85,000, for 1888, \$113,000; for 1889, \$187,000; and for 1890, \$462,000. And this year you are making provision for a further deficiency of \$833,000. Now, we want you to divide this, that is all, not throw the necessity of so large a deficiency appropriation on the next House.

Mr. CANNON. In further reply, Mr. Chairman, I repeat, this practice I believe to be wise, for the reason that we have put in a limitation upon the expenditure of money; that is to say, we absolutely prohibit the expenditures of exceeding one-half of the appropriation for the first two quarters.

But the gentleman says that the deficiency for 1890 was \$462,000. That is correct. And yet this deficiency came in upon a bill that was made by a Democratic Congress. I want to say to my friend that when he says this deficiency this year will be over \$800,000 I do not doubt it may reach that sum. My own opinion is, however, that it ought not to exceed \$400,000 to \$500,000, and I trust that the incoming Congress, fresh from the people, three-fourths Democratic, elected in the name of economy, retrenchment, and reform, will be enabled not to pile up a great deficiency equal to the amount my friend mentioned, but, if any, a very much reduced sum; because, I repeat, that the amount of the deficiency will depend entirely upon the action of the incoming Congress.

Mr. SAYERS. Will my colleague yield for a question?

Mr. CANNON. Certainly.

[Here the hammer fell.]

Mr. BLOUNT was recognized.

Mr. SAYERS. Does my friend from Illinois know—

The CHAIRMAN. The time of the gentleman from Illinois has expired, and the gentleman from Georgia has been recognized.

Mr. HOOKER. Let me suggest to the gentleman that the way to avoid a deficiency will not be to give an opportunity or occasion for it by appropriating what is manifestly required.

The CHAIRMAN. The gentleman from Georgia is entitled to the floor.

Mr. BLOUNT. Mr. Chairman, the gentleman from Illinois, the chairman of the Committee on Appropriations, announces a new policy with reference to the preparation of the appropriation bills, something that I have not heard of before, to wit, that in the matter of the public printing the gentleman from Pennsylvania [Mr. Randall], lately chairman of the Committee on Appropriations, and the gentleman from Indiana [Mr. HOLMAN], when in charge of these matters, had some years ago by their leadership taken the Congress of the United States in the matter of appropriations for the public printing off the line theretofore pursued, of providing for the annual expenditures and allowing only a given sum for the year, with the tacit understanding that it would not be sufficient, and was not regarded as sufficient, but would be supplemented in the shape of a deficiency afterwards.

And the gentleman from Illinois indorses that policy instead of supplying at the outset the deficit which is admitted will arise. He indorses it as a policy which should be pursued. I take it that if this policy is good in the Printing Office it is a policy which would also be good all along the line of appropriations, and that, if this practice in the public expenditures of the Government is to find a lodgment in the appropriations for the Printing Office, by the same reasoning the gentleman applies, it would be good in all of the other appropriations which are to be made by Congress.

But, Mr. Chairman, I submit that this is a new and unheard-of policy now pursued, and is in contravention of the rules of the House. The Committee on Appropriations is created for the purpose of providing for the public expenditures, under the obligation of the laws of the United States. But with this new policy which we hear of this morning for the first time a vital change is inaugurated. If this policy is improper, and I assume that no one will claim that it is otherwise, it needs to be checked at this point, because it carries with it a suspicion that it is a policy not in the interest of the public service, but to enable certain gentlemen, of a certain political persuasion, to conceal what they are doing in the matter of public expenditures; and, whether it be true or not, that may be the result.

I believe that Congress should provide honestly for all of the public wants. I deny that the distinguished gentleman from Pennsylvania [Mr. Randall] ever inaugurated such a policy. I do not believe that the gentleman from Indiana [Mr. HOLMAN], not now in his seat, ever inaugurated such a policy. The real difficulty rose in this way: that the Committee on Appropriations provided for the public printing an economical allowance, and then the House began by directing the printing of this or that public document loosely, which practice continued for years; and during Mr. Randall's administration the appropriations, made pursuant to law, for that reason may have been found deficient, and as a matter of fact there were continual deficiencies being made in the public printing.

Sir, let us meet the situation properly. The two Houses of Congress order printing beyond any reasonable estimate, and no committee has ever been able to control them. If it is manifest to us from the natural growth of expenditures from one year to another that there is to be a deficiency of \$800,000 in the public printing in the next fiscal year, in the name of frankness to the American people, in the name of correct legislation, I trust that this House, now and always, will, when it finds a public expenditure has to be made, meet it, and not let it seem as if there was a purpose of concealing the amount of the public expenditures. Let them be known; and, if they are too great, let the party which can reduce expenditures and take the credit for it.

Mr. CANNON. Mr. Chairman, I would be very glad—does the gentleman from Missouri desire to talk?

Mr. DOCKERY. I want five minutes or less time.

Mr. CANNON. I will be glad to have the debate closed in ten minutes.

Mr. HOLMAN. I have an amendment I desire to offer and I will be glad to have five minutes.

Mr. SAYERS. I would suggest to the gentleman from Illinois that he limit the debate on this paragraph to fifteen minutes.

Mr. CANNON. Well, make it fifteen minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON], asks unanimous consent that debate on this paragraph close in fifteen minutes. Is there objection?

Mr. SPINOLA. I object.

Mr. BLOUNT. We had better not agree to that. It may turn out that way; but it is better not to limit it.

Mr. CANNON. Say twenty minutes.

Mr. SAYERS. I will suggest to the gentleman from New York [Mr. SPINOLA] that he can probably get five minutes of the time.

Mr. SPINOLA. That is all right.

The CHAIRMAN. The Chair will again submit the request. The gentleman from Illinois [Mr. CANNON] asks unanimous consent that debate upon this paragraph and amendments thereto be closed in fifteen minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. DOCKERY. Mr. Chairman, I deny that the policy of deliberately entailing deficiencies was inaugurated in this House under Democratic auspices, and the statement of deficiencies which has just been read by the gentleman from Texas [Mr. SAYERS] establishes beyond cavil the absolute accuracy of the statement I have just made. The greatest deficiency that was incurred by the House under Democratic control was for the fiscal year 1890, and that only aggregated \$462,000, while for prior years the deficiencies averaged less than \$200,000 per annum.

Mr. RICHARDSON. For what department?

Mr. DOCKERY. For the office of Public Printer. I am now speaking of the public printing deficiency. At the first session of this Congress the policy of creating deficiencies was inaugurated, and supplemented by the policy of concealing appropriations as well. In this bill there are four items which conceal, according to the estimates of the Department, \$1,192,000. I refer to the items providing for back pay and bounty, commutation of rations and bounty under the act of July 23, 1866. Now, in addition to the policy of concealing appropriations the chairman of the committee who had charge of this bill at the last session entailed a deficiency of \$723,000 for public printing, notwithstanding the Public Printer—who it affords me great pleasure to say seems to be a very capable officer—notwithstanding the Public Printer stated at the time that he would require every dollar of the \$3,021,000 that he estimates as necessary for this fiscal year.

To verify the accuracy of the estimates of the Public Printer, I have only to say that in his estimates, aggregating \$3,021,000, it has been demonstrated that the Public Printer was in error only to the extent

of \$2,000. In other words, instead of requiring for this fiscal year \$3,021,000, it has been shown that \$3,019,000 was sufficient. Now, Mr. Chairman, the Public Printer stated before the Committee on Appropriations that he requires every dollar of the \$3,018,000 that he asks for; and the failure to appropriate that amount, as now proposed by the majority of the Committee on Appropriations, will result in a deficiency of \$833,000, which will have to be provided for by the next Democratic House.

Mr. HOLMAN. Mr. Chairman, if I can have the ear of gentlemen connected with this committee, I wish to have read from the Clerk's desk an amendment to come in at the end of this paragraph, which was not prepared by me, but by a gentleman familiar with the subject. It is subject to a point of order, and the reason I have for submitting it is with a view to the suggestion which it contains.

The Clerk read as follows:

Amend by adding to the bill the following:

"That the Public Printer, Mr. John G. Ames, superintendent of documents of the Interior Department, and Wright Rives are hereby directed to make a full investigation of the public printing at the Government Printing Office for Congress and the various Executive Departments, and to submit a bill, accompanied by a report showing what changes shall be made to reduce the cost of public printing, and such other recommendations as they may deem best, the said bill and report to be printed and presented to Congress at the next session. And there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$500, or so much thereof as may be necessary, for clerical services, the same to be paid out under the direction of the Public Printer."

Mr. CANNON. Against that amendment I make the point of order.

Mr. HOLMAN. I took that for granted. Before that is acted upon I wish to say the gentleman from Illinois certainly knows very well what the Public Printer—

Mr. CANNON. I hope the gentleman will not occupy the fifteen minutes.

Mr. HOLMAN. I will not take more than five.

Mr. CANNON. But fifteen minutes is the limit for debate on this paragraph.

Mr. HOLMAN. I only want three minutes.

The CHAIRMAN. If the gentleman from Illinois [Mr. CANNON] makes the point of order, the Chair is prepared to rule on it.

Mr. CANNON. I do make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HOLMAN. Of course the Chair has to rule against this proposition. I thought it might result in some measure to reduce the cost of the public printing at least a million of dollars.

And the gentleman named, the Public Printer, the superintendent of the document room of the Interior Department, and Mr. Rives, are certainly competent men.

The CHAIRMAN. This is not debatable.

Mr. SMITH, of Illinois. Mr. Chairman, I desire to offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

After line 14, on page 100, insert the following:

For building and constructing a graveled road and the necessary bridges from the national cemetery near Mound City, Ill., to Mound's Junction, on the Illinois Central Railroad, in Pulaski County, Illinois, the sum of \$10,000, said sum to be expended and the work performed under the direction of the Secretary of War.

Mr. SAYERS. Mr. Chairman, I raise the point of order upon that.

Mr. SMITH, of Illinois. I would be glad if the gentleman from Texas would withhold the point of order for a moment.

Mr. SAYERS. I withhold it for a minute.

Mr. SMITH, of Illinois. Mr. Chairman, with the consent of the gentleman, I desire to make an explanation with reference to this amendment.

The CHAIRMAN. The Chair understands that the point of order is reserved.

Mr. SAYERS. It is.

Mr. SMITH, of Illinois. I offer this amendment in good faith, believing, if the condition of this national cemetery were understood, no gentleman on that side would object to an appropriation of this amount for the construction of such a road. This national cemetery is in the lower portion of Illinois, in the district which I have the honor to represent, and a short distance from the Ohio River, between the Ohio River and the Illinois Central Railroad. And that portion of the country, as the gentleman probably knows, and as other gentlemen know, is low and swampy, and for three or four months in the year it is covered with water from the Illinois Central Railroad to the national cemetery varying from six inches to two and three feet.

Mr. SAYERS. Will my friend allow me? The reason why I make the point of order is, if this be allowed, a precedent will be established; because, under the rule which has been followed by the Committee on Appropriations, all appropriations that are sought to be made for roads to barracks, to quarters, and to grounds of cemetery associations have been entirely ignored.

Mr. SMITH, of Illinois. In reply I will state that at the last session of this Congress a precedent was set on that side of the House, when the gentleman from Arkansas [Mr. PEEL] asked that an amendment should be tacked on an appropriation bill in a matter of this same character, and we on this side permitted the same to go through, and it did go through.

Mr. SAYERS. I do not remember it.

Mr. SMITH, of Illinois. Well, the record will show that that is true. Now, I was going to say that this country, being so swampy, it is impossible for the people—the tens of thousands who yearly go there—to get from Mound's Junction, on the Illinois Central, to the cemetery, but they have to go around by railroad to Cairo and from there by steamboat to Mound City and from Mound City out to the national cemetery, making in all a distance of 25 or 30 miles.

If this road which we ask this simple appropriation for could be built they could leave the railroad at Mound's Junction and reach the cemetery within less than 2 miles' travel. As I said before, tens of thousands go to that cemetery, as a Mecca, every 30th of May; and it is not only those who wore the blue, but also those who wore the gray, because in that cemetery sleep, side by side, those who in life were enemies, but who are friends in death; and a few years ago, standing amidst those sodden heaps of death, I remember proposing that on the 30th of May when we decorated the graves of the Federal soldiers we should decorate also the graves of those who stood in the manly conflict against those who fell at the same time; and to you on that side of the House, my Democratic friends, I will say that I see amongst you, looking over the House from day to day, empty sleeves and faces scarred in conflict, and you, too, have an interest in this cemetery the same as those who wore the blue and fought upon the other side.

I would ask my friends now to take one look—as many of you were brave and generous when you followed Stonewall Jackson and your cherished General Lee—take one more look within your manly heart, and see that it is right, that it is just, and that it ought to be done, that this road ought to be built, and let the feeling such as we are trying to instill in Southern Illinois amongst all our people spring up and be entertained on both sides of this House.

I hope the objection will be withdrawn, as there has been a precedent set.

Mr. SAYERS. Mr. Chairman, I desire to say that it is only as a matter of policy which should be observed in regard to appropriation bills, especially on the sundry civil bill, that I have raised the point of order.

The CHAIRMAN. The point of order will be sustained.

Mr. HOLMAN. I believe there is only a moment left, and I ask the gentleman from Illinois [Mr. CANNON] to consent, and I ask the House also for an extension of the time to five minutes. I did not notice that the Clerk had read the last paragraph, and I ask the indulgence of the House.

Mr. SAYERS. Mr. Chairman, I desire to say that I withdraw the point of order on the appeal of the gentleman from Illinois [Mr. SMITH].

The CHAIRMAN. The point of order on the amendment of the gentleman from Illinois is withdrawn, and the question is on agreeing to the amendment of the gentleman from Illinois.

Mr. STRUBLE. Let it be read again.

The amendment was again reported.

Mr. KERR, of Iowa. I renew the point of order.

The CHAIRMAN. The point of order will be sustained.

Mr. STRUBLE. Let it be reported again.

The amendment was again read.

The CHAIRMAN. The point of order made by the gentleman from Texas [Mr. SAYERS] has been withdrawn.

Mr. KERR, of Iowa. I renew the point of order.

Mr. SMITH, of Illinois. I had hoped that no one wearing a button of bronze would raise a point of order against this amendment.

Mr. SPINOLA. You can not tell who your company are, brother. [Laughter.]

Mr. SAYERS. Mr. Chairman, what has become of the amendment which I offered to the appropriation for the Printing Office?

The CHAIRMAN. In receiving a message from the Senate the Chair overlooked the pendency of that amendment. The question now is upon the amendment proposed by the gentleman from Texas [Mr. SAYERS], which the Clerk will again report.

The amendment was again read, as follows:

Amend by inserting, after the word "million," in line 20, page 97, the words "five hundred;" so that it will read: "two million five hundred and forty-five thousand dollars."

The question was taken on the amendment; and the Chairman declared that the ayes seemed to have it.

Mr. CANNON. I ask for a division.

The committee divided; and there were—ayes 85, noes 67.

Mr. CANNON. I demand tellers.

Tellers were ordered; and the Chairman appointed Mr. CANNON and Mr. SAYERS.

The committee again divided; and the tellers reported—ayes 94, noes 107.

So the amendment was rejected.

Mr. CANNON. Mr. Chairman, I ask unanimous consent to return to page 12 of the bill and to insert at the end of it the amendment which I send to the desk.

Mr. SPINOLA. I reserve the right to object.

The CHAIRMAN. The amendment will be read, after which the Chair will ask for objection.

The amendment was read, as follows:

Amend by adding at the end of page 12 the following words: "Simmons's Reef, White Shoal, and Gray's Reef, in Lake Michigan: That the appropriation of \$60,000 heretofore made, March 2, 1889, for a lighthouse on Simmons's Reef be applied, under the direction of the Lighthouse Board, for the purchase and equipment of three lightships, to be located respectively on Simmons's Reef, White Shoal, and Gray's Reef, on Lake Michigan, and that said appropriation be immediately available for such lightships."

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. SPINOLA. I object.

Mr. CANNON. I think possibly the gentleman from New York will not object when he is told that this is recommended by the Lighthouse Board, and that it provides three lightships for the same money that has been heretofore appropriated for a lighthouse, and does some lighting at dangerous points on the lake. It is a mere change of the appropriation from a lighthouse to lightships.

Mr. SPINOLA. I will withdraw the objection for a moment.

The CHAIRMAN. That does not give permission to debate.

Mr. SPINOLA. Well, I ask permission to answer the gentleman from Illinois.

Mr. CANNON. But, if the gentleman objects—

Mr. SPINOLA. One moment. The gentleman has appealed to me in this case. I appealed to him a few minutes ago in the name of sixty millions of freemen to withdraw an objection and he would not do it. [Laughter.]

The CHAIRMAN. Does the gentleman from New York object?

Mr. SPINOLA. I withdraw the objection. I want to give him a chance. [Laughter.]

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Illinois.

[Mr. HOLMAN withholds his remarks for revision. See Appendix.]

Mr. CANNON. I should be glad to complete the consideration of this bill in the Committee of the Whole and report it to the House. The gentleman from Indiana [Mr. HOLMAN] may repeat in the next Congress his speeches of ten or twelve years ago. I always notice that he gets wonderfully economical about the time that action ceases. [Laughter.]

The question being taken on the amendment of Mr. CANNON, it was agreed to.

Mr. DUNNELL. I ask unanimous consent that we go back to page 10 of the bill for the adoption of the amendment which I send to the Clerk's desk, which was omitted from the bill because the letter recommending the appropriation did not reach the committee in season for its consideration.

The Clerk read as follows:

Between lines 20 and 21, on page 10, insert:
"For post office and customhouse at Winona, Minn., for completion of building and approaches, in excess of limit, \$10,000."

Mr. PAYNE. I would like to offer an amendment to that.

The CHAIRMAN. Is there objection to turning back in the bill for the consideration of the proposed amendment? The Chair hears none.

The question being taken, the amendment of Mr. DUNNELL was agreed to.

Mr. LEE. I move to amend by adding after line 23, on page 100 of the bill, the provision which I send to the Clerk.

The Clerk read as follows:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post office in the city of Leesburgh and State of Virginia, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$25,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$6 per day and actual traveling expenses; *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

No money shall be used or applied for the purposes mentioned until a valid title to the site for said building shall be vested in the United States, nor until

the State of Virginia shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The building herein provided for shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

Mr. CANNON (before the reading of the amendment was concluded). I make the point of order that this proposition is not germane to the paragraph last read.

Mr. LEE. I hope my friend will not make the point of order, but permit me to make a statement of two or three minutes in reference to the matter.

Mr. CANNON. I regret that I feel compelled to insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. LEE. Can I not have a word of explanation?

Mr. CANNON. The trouble is, there are so many matters of this kind that members desire to bring before the committee that we will never get through with the bill. I must insist upon the point of order.

Mr. DOCKERY. But the gentleman from Virginia only asks two or three minutes.

Mr. CANNON. I hope the gentleman from Virginia, for whom I entertain the most sincere respect, will allow us now to go on and finish the bill. The amendment is manifestly not in order.

Now, Mr. Chairman, the gentleman from Texas has a matter that we all agree to, to correct the bill.

The CHAIRMAN. The point of order is sustained; and the gentleman from Texas will send his amendment to the desk.

Mr. SAYERS. I offer the amendment simply for the purpose of making a correction.

The Clerk read as follows:

On page 10, line 17, strike out "five" and insert "seven."

Mr. CANNON. That is correct. It should have been seven in the first instance.

The amendment was adopted.

Mr. BERGEN. I move the amendment I send to the desk, to be added at the end of the bill.

The Clerk read as follows:

For erection of a public building in Camden, N. J.: For continuation of building in excess of the limit of present appropriation therefor, \$60,000.

Mr. CANNON. I make the point of order that it is not authorized by law and not germane to the paragraph of the bill just read.

Mr. BERGEN. It is in continuation of a work already in progress, and offered as a new section to the bill.

Mr. CANNON. But the gentleman can see, and everyone else, that it is not in order at this point of the bill.

The CHAIRMAN. The Chair desires to know the question of fact as to the amendment. Is this beyond the limit?

Mr. BERGEN. There is no question that it is beyond the limitation fixed by the original act.

The CHAIRMAN. Then the Chair must sustain the point of order.

Mr. BERGEN. But I hope the Chair will hear me before making the decision. I do not think in a case like this that the provision of Rule XXI applies.

The CHAIRMAN. But it is not germane to the paragraph.

Mr. BERGEN. I offer it as a new paragraph, a new section to the bill.

Mr. CANNON. It is not in order as a new paragraph. We have passed the provision making appropriations for public buildings between pages 1 and 10.

The CHAIRMAN. The Chair will hear the gentleman from New Jersey on the question of order.

Mr. CANNON. Let me state, Mr. Chairman, that it has been customary on the sundry civil appropriation bill for years past to group together the items of appropriation for public buildings, for instance, and for lighthouses, and then for any other class of expenditures, and that the amendments for like expenditures must be offered in their order to these several parts of the bill when under consideration. The amendment which is now offered relates to a portion of the bill already passed over.

Mr. BERGEN. Where is the rule that precludes it?

Mr. CANNON. The gentleman may call for a rule. I say it has been the invariable practice always in Committee of the Whole to adhere to that order in the consideration of these matters.

Mr. BERGEN. I understood we had just gone back to the section relating to public buildings.

The CHAIRMAN. That was by unanimous consent.

Mr. BERGEN. That is the reason why the amendment would be in order to that part of the bill.

The CHAIRMAN. But the unanimous consent applied only to that single amendment which was offered.

Mr. BERGEN. Well, I do not care whether it be so or not; I offered the amendment as a new section to the bill and I am clearly not subject to the point of order on that ground. Besides, the only class of public buildings considered under the section referred to by the gen-

tleman from Illinois [Mr. CANNON] is that in which a limit has been fixed and an appropriation is made for them which is within the limit.

Now, Mr. Chairman, it is admitted that this would be an appropriation beyond the limit, and I wish to call the attention of the Chair to the language of the rule. The second section of Rule XXI, with which the Chair is familiar, will show, if the Chair examines it, that it does not preclude an amendment in regard to the construction of a work which has already been begun.

The CHAIRMAN. Will the gentleman state the facts as to this particular building?

Mr. BERGEN. The facts are that an appropriation of \$100,000 has been made by special act for the erection of a public building in the city of Camden, and the site has been purchased, and a further appropriation to cover the amount of the bids is necessary before the work can go on. This appropriation is required before the work can progress a single step further.

The CHAIRMAN. There was a limitation of \$100,000 upon the cost of the building and site?

Mr. BERGEN. The original act stated that there should be \$100,000 appropriated.

The CHAIRMAN. And this proposes to enlarge the limit?

Mr. BERGEN. To increase the appropriation for that purpose. Now, I wish to call the Chair's attention to the fact that this rule only applies to cases where the construction has not begun. This is a work which is already begun. About \$30,000 have been applied to it and expended on the work, and under this rule it is possible to make the appropriation larger without violating the rule.

The rule reads as follows:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, etc.

When it comes to a work that is already in progress, for the continuation of that work, there is no violation of the rule in making an additional appropriation therefor.

The CHAIRMAN. Has that not always been construed to refer to this kind of a case, where a public work was provided for with a limit of cost, say, for illustration, not to exceed \$100,000, and then only \$30,000 appropriated in the first instance, that an appropriation necessary to bring up the amount to the sum limited would be considered in order under this rule? That is the recollection of the present occupant of the chair.

Mr. BERGEN. I think the Chair is correct, that that is the construction which the Committee on Appropriations has put upon it, but it should not be so limited and it has had no construction in the House that I know of. I do not think the rule bears that limited construction. I ask the Chair, therefore, to examine the rule and see if I am not strictly within the rule, when I ask that this amendment be put upon the bill, and the House may act upon it. I think the point of order on either ground is not well taken.

The CHAIRMAN. The Chair is prepared to rule. The Chair thinks this amendment is subject to the point of order. The Chair is of the opinion that, if this were to increase an appropriation within a limit already authorized, then it would not be subject to the point of order, but that an amendment increasing a limit already established is subject to the point of order. The Chair is of the opinion that that has been uniformly held, and so decides in the absence of authority. The point of order is sustained.

Mr. CANNON. I move to lay the bill aside with a recommendation to the House that it do pass as amended.

Mr. VAUX. One moment, Mr. Chairman. I ask unanimous consent to turn back to page 11, line 11, which I ask the Clerk to read.

Mr. CANNON. Mr. Chairman, I must object to turning back.

Mr. VAUX. I wanted to save \$75,000 in the purchase of this property across here, and I do not think that is an extravagant proposition to save \$75,000.

Mr. CANNON. I can not consent to turning back.

Mr. VAUX. All right; I have tried to do my duty.

The motion of Mr. CANNON was agreed to.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BUTTERWORTH. I move that the committee proceed to the consideration of the legislative, executive, and judicial appropriation bill, the title of which I ask the Clerk to read.

The Clerk read as follows:

A bill (H. R. 13049) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1892, and for other purposes.

Mr. GROUT. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Vermont rise?

Mr. GROUT. I move that the committee do now rise.

Mr. BUTTERWORTH. Mr. Chairman, I trust my friend from Vermont will raise the question of consideration in some other way. As I understand him, he desires to secure the remainder of the day for the business of the District of Columbia. If the question of consideration is raised, it will settle that point, I think.

Mr. GROUT. Mr. Chairman, the District Committee have had—
The CHAIRMAN. This is not debatable. The question is upon the motion that the committee do now rise.

The question was taken; and the Chairman announced that the yeas seemed to have it.

On a division (demanded by Mr. GROUT) there were—ayes 26, noes 84.

So the committee refused to rise.

The CHAIRMAN. The Clerk will proceed with the reading of the legislative, executive, and judicial appropriation bill.

Mr. BUTTERWORTH. Mr. Chairman, my friends upon the other side have desired some time for general debate, but the amount of time has not been agreed upon. I desire to ask my friends what time they want.

Mr. FORNEY. On this side we desire two hours. If we finish in less time we will make it shorter.

Mr. BUTTERWORTH. I suppose the first formal reading of the bill may be dispensed with.

Mr. FORNEY. Yes, sir; we are willing to consent to that.

Mr. BUTTERWORTH. I ask unanimous consent of the committee that the first formal reading of the bill be dispensed with and that the time for general debate be limited so as not to exceed two hours upon either side.

Mr. GROSVENOR. Mr. Chairman, I do not care how short the limit of general debate is on this bill, but I want forty-five minutes in the general debate.

Mr. BUTTERWORTH. Does my friend desire to address himself to any particular item of the bill?

Mr. GROSVENOR. Yes, sir.

Mr. BUTTERWORTH. Well, would it not be satisfactory to provide for that time when we reach the item?

Mr. GROSVENOR. Yes, if I can have it when we reach that part of the bill.

Mr. BUTTERWORTH. I suppose my friend refers to that portion of the bill relating to civil service.

Mr. GROSVENOR. That is the question that I refer to, and I propose to address myself to that subject and no other.

Mr. ANDERSON, of Kansas. "More power to your elbow."

Mr. BUTTERWORTH. I understand my colleague desires to address himself to the consideration of the civil-service item when we reach it, and that he will want some time at that time. There will be no trouble about that.

Mr. DOCKERY. I supposed that there was such absolute unanimity on that side of the House on that subject that there would be no need for discussion.

The CHAIRMAN. Unanimous consent is asked that the first reading of the bill be dispensed with and that general debate be limited to not exceeding two hours upon either side, the time upon the Republican side to be controlled by the gentleman from Ohio [Mr. BUTTERWORTH] and the time on the other side by the gentleman from Alabama [Mr. FORNEY]. Is there objection? [After a pause.] The Chair hears none. The first reading of the bill is dispensed with.

Mr. BUTTERWORTH. There is another request that is perfectly satisfactory to me, if it is to the rest of the members, and that is that we proceed now with the bill and commence general debate to-morrow.

Mr. McRAE. That is all right.

Mr. FORNEY. We have no objection to that on this side.

Mr. DALZELL. Mr. Chairman—

Mr. BUTTERWORTH. Do I understand that the agreement to postpone general debate has been agreed to?

The CHAIRMAN. That question has not been submitted.

Mr. DALZELL. Mr. Chairman, I want to say, in explanation of the request made, that the gentleman from Ohio has agreed to yield me an hour's time on this bill. I am so situated that I can not very well go on to-day, and I therefore would consider it a personal favor if unanimous consent might be had to allow general debate to go over until to-morrow and proceed to-day with the bill.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that general debate on this bill be postponed until the next legislative day, and that in the mean time the bill be proceeded with by paragraphs for amendment without prejudice. Is there objection?

Mr. OUTHWAITE. Mr. Chairman, the request was not for the "next legislative day," but the request was for "to-morrow." I want to know whether there is any purpose behind that. You might take a recess this evening.

Mr. BUTTERWORTH. It is meant to postpone it until the next day this bill shall be up for consideration, whether it is to-morrow, or the next day, or whatever day.

Mr. SPINOLA. Will the gentleman from Ohio accept a short amendment? Immediately upon the completion of the bill the next bill to be taken up shall be the "martyrs' bill," for the erection of a monument to the patriots who died in the prison ships. [Laughter.]

Mr. ANDERSON, of Kansas. I would like to make a suggestion—

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. ANDERSON, of Kansas. For a moment I withhold an objection. I want to ask whether an arrangement can not be made by which three hours of general debate may be had this evening.

Mr. CANNON. Oh, let us go on with the bill and have debate afterwards.

Mr. ANDERSON, of Kansas. It is now 2 o'clock. There will be three hours for debate, and that will leave one for the gentleman from Pennsylvania, whom we all desire to hear, and he can take that tomorrow morning.

Mr. DALZELL. There is an objection to that, and a very substantial one. The gentleman from Massachusetts expects to follow me, and of course if he had to go on I would have to go on.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. BUCHANAN, of New Jersey. A parliamentary inquiry. If this unanimous consent is granted would it be in order after general debate has closed to recur to any paragraph and amend it in accordance with the suggestions of general debate?

The CHAIRMAN. That could only be done by unanimous consent.

Mr. BUCHANAN, of New Jersey. That shows the utter uselessness of general debate.

Mr. CANNON. Let us finish the bill and take the debate afterwards. [Laughter.]

Mr. MORSE. "Hang a man and try him afterwards."

Mr. HALL. Mr. Chairman, a parliamentary inquiry. I desire to know if it is in order to call up the Butterworth option bill.

The CHAIRMAN. Not at this time. Is there objection to the request of the gentleman from Ohio?

Mr. SPINOLA. I object until I know what the arrangement is.

Mr. BUTTERWORTH. Mr. Chairman—

The CHAIRMAN. Objection is made.

Mr. RICHARDSON. Mr. Chairman, I submit that the gentleman does not make objection to the request of the gentleman from Ohio.

The CHAIRMAN. The gentleman from New York did make objection.

Mr. SPINOLA. I withdraw it.

The CHAIRMAN. Is there further objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

For mileage of Senators, \$45,000.

Mr. DOCKERY. Mr. Chairman, I move to strike out the last word. I suppose, Mr. Chairman, the arrangement to postpone general debate until tomorrow did not contemplate the gentleman from Ohio [Mr. BUTTERWORTH] withholding a brief explanation of the proposition contained in the bill, if he desired to do so.

Mr. BUTTERWORTH. Mr. Chairman, I will state for the information of the House that the only explanation needed here is to say that the committee endeavored to provide fully and amply for the needs of the Government.

Mr. DOCKERY. I want to make a brief statement.

Mr. BUTTERWORTH. I will add a single word in regard to this. The committee, as I stated, endeavored to meet the wants of the Government. There were no increases made except where they seemed to be imperatively demanded. I might also say that we may not have made as many increases as we ought to, but going through the various Departments of the Government, executive and judicial, we have examined the heads of all the Departments and of the several bureaus so as to ascertain precisely what a proper discharge of the public duty required for the several offices.

We have provided for such a number and a proper amount, and have gone not a scintilla beyond. There is one thing we have done to which I ought to call the attention of the House; that is in regard to the Civil Service Commission. Heretofore the examiners have been transferred from the several Departments at the pleasure of the Departments, or, rather, each Department has suggested such man as the head of that Department might deem fit to discharge the duties of examiner. We have provided to drop these examiners out of the several bureaus where they have been heretofore employed and to make them fixtures in the Civil Service Commission, in order that the discharge of the duties devolving upon the commissioners may be performed in some systematic and businesslike way.

Mr. CHADLE. Are these clerks for the Civil Service Commission authorized by any general statute?

Mr. BUTTERWORTH. Yes, sir. It is proper to say also, Mr. Chairman, that my provision did not meet with the concurrence of all the members of the committee. My honored friend from Massachusetts [Mr. COGSWELL] expressed some dissent, and I think the chairman of the committee was not up to the standard of realizing what a blessing this provision is. [Laughter.] But beyond that, there was substantial agreement between the majority and the minority, and it is fair to all the members of the committee to say that they have attempted to discharge their duties without regard to politics, and in fact without regard to any operating influence except a desire to serve the Government. I do not wish to say anything more upon the bill at this time.

Mr. ADAMS. I call the gentleman's attention to the words "in full compensation," in line 5. Has the committee recommended an amount for any purpose which is unequal to the amount authorized by existing law?

Mr. BUTTERWORTH. Yes. It is proper for me to say that in 1874, I think—at all events, in the Forty-fourth Congress—the appropriations made in some cases were insufficient to pay the salaries provided by law. In other words, instead of reducing the salaries by legal enactment Congress simply reduced the amount appropriated for the payment of those salaries. For instance, the governors of the several Territories do not receive the amount to which they are entitled by law by, perhaps, 20 or 25 per cent.

Mr. ADAMS. Did these words "in full compensation" occur in the appropriation bills of last year and the year before and for several years past?

Mr. BUTTERWORTH. I do not know that they have ever remained in the bill, but they have always been in it when it has been reported to the House. I think possibly they have occasionally gone out on points of order.

Mr. DOCKERY. If the gentleman will permit me I will answer that question. I have the legislative bill of last session before me and I find in it these words, "in full compensation."

Mr. BUTTERWORTH. I will say to my friend from Illinois [Mr. ADAMS] that we have operated so long on the basis of the salaries fixed by the appropriation bills that we have come to regard it as the fixed law.

Mr. ADAMS. And there has been no change in this bill in that respect.

Mr. BUTTERWORTH. No; we have followed in the wake of former bills so far as that is concerned.

Mr. DOCKERY. Mr. Chairman, I desire to say a few words in explanation of the bill. The report of the committee might perhaps mislead the House without an explanatory statement. It is alleged in the report that—

The estimates on which the bill is based will be found on pages 10-72, 80-88, and 343 of the Book of Estimates for 1892, aggregating \$22,695,232.55; of which amount there is recommended in the bill \$21,559,146.55.

The appropriations for the same purposes for the current fiscal year aggregate \$21,767,597.75, being \$208,411.20 more than is recommended in the bill for the service of the fiscal year 1892.

The amount recommended in the bill is \$1,136,136 less than the aggregate estimates submitted. The whole number of salaries specifically provided for in the bill is 10,597, being 261 less than the number estimated for and 59 less than the number provided for in the law for the current year.

This report requires explanation; for, instead of a decrease in the number of salaries, there is an increase of seventy-one. The apparent decrease results from the legislation of the last session, by which the Signal-Service Bureau, carrying one hundred and thirty officials, at a cost of \$153,960, was transferred to the Agricultural Department. In addition to this, the service of the Lighthouse Board, carrying seventeen salaries, at a cost of \$19,700, is, for the first time, provided for in this bill. So that, taking into account the increase resulting from the addition of the Lighthouse Service and the decrease resulting from the transfer of the Signal-Service Bureau to the Agricultural Department, we have, as compared with the bill of last year, an actual increase of seventy-one officials.

By the same methods of comparison we ascertain that, instead of a decrease in the amount appropriated of \$208,411.20, there is really a decrease of only \$74,151.20, and that decrease is accounted for in two items. One of the causes of decrease arises from the admission of certain Territories to statehood. That reduces the appropriations usually carried in this bill to the extent of \$94,000. Another item of decrease is the reduction of \$215,000 for the services of special examiners. I desire also to call attention to the legislation in the bill of last year which has not been complied with by some of the heads of the Executive Departments. On the motion of the gentleman from Georgia [Mr. CLEMENTS], the concluding proviso of the last legislative bill made it the duty of the "heads of the several Executive Departments of the Government to report to Congress each year, in the annual estimates, the number of employés in each bureau, and the salaries of each, who are below a fair degree of efficiency."

That law has not been complied with by the Department of State, the Department of Justice, the Department of Agriculture, and the Department of Labor. Four Departments of this Government have wholly ignored the positive mandate of the law, which requires them annually to report in the estimates that are transmitted to Congress the number of clerks who are below a fair standard of efficiency. All the other bureaus and Departments of the Government have obeyed the law; and by analysis of their reports it is found that the inefficient clerks in the Patent Office number three, with salaries aggregating \$2,820; in the Pension Office thirteen, with salaries aggregating \$13,520; in the Land Office nine, with salaries amounting to \$10,500; in the office of the Commissioner of Education one clerk, at a salary of \$1,200.

In the Post-Office Department there are thirty-one inefficient clerks, with salaries amounting to \$35,160, whilst in the War Department there are nineteen inefficient clerks, with salaries aggregating \$20,500, the total being seventy-six inefficient clerks in these several Departments whose salaries aggregate \$83,700.

Mr. HOPKINS. Will the gentleman allow me a question?

Mr. DOCKERY. Certainly.

Mr. HOPKINS. Does the report to which the gentleman is referring show whether those inefficient clerks are in the classified or the unclassified service?

Mr. DOCKERY. They are in the classified service; and I may add that their inefficiency, as shown by the examination of the committee and the reports of the Departments, results largely from old age. I think the chairman of the subcommittee will sustain me as to the correctness of this statement.

Now, Mr. Chairman, in the examination, hurriedly and briefly made at the last session by the subcommittee on the legislative bill, we ascertained that there were then about five hundred inefficient clerks, with salaries aggregating, as I now remember, about \$500,000. So that, assuming these reports (which I have no reason to question) to be accurate, it is apparent that there has been a very marked improvement during the last fiscal year. It must be true that a large number of inefficient clerks have been removed. I desired especially to invite the attention of the House to this question at the present time, hoping thereby to impress upon the heads of Departments the mandatory character of the law and the necessity for a compliance with its provisions.

[Here the hammer fell.]

The Clerk read as follows:

Office of the Vice President: For secretary to the Vice President, \$2,220; for messenger, \$1,440; telegraph operator, \$1,200; one telegraph page, \$720; in all, \$5,580.

Mr. RICHARDSON. I move *pro forma* to strike out the last word for the purpose of putting a question to the gentleman in charge of this bill [Mr. BUTTERWORTH]. I notice in the report of the committee a statement that—

The bill provides for the officers, clerks, and other employés of the Senate in the same terms as are contained in the current law, except where it is necessary to provide for the difference between the approaching long session and the present short session of Congress, making an apparent net increase of \$34,040.60 in the sum for the officers and employés of the Senate over the appropriation for the fiscal year 1891.

Not having had an opportunity to examine this bill carefully, I desire to ask the gentleman from Ohio whether it carries an appropriation for clerks to Senators who are not chairmen of committees.

Mr. BUTTERWORTH. Oh, yes. We have not disturbed the status over there in any way. We have made an appropriation, as has been done heretofore. Controversy has arisen between the two Houses about this matter, but we have invariably voted the amount necessary to pay these clerks, and we report such an appropriation now.

Mr. RICHARDSON. I wish to ask further whether it has been usual to make this provision in the appropriation bill as reported from the Committee on Appropriations of the House, or have you awaited the action of the Senate in putting on an amendment after the bill reached that body, to be followed by some coquetting and reluctance on the part of the House, and finally concurrence.

Mr. BUTTERWORTH. I will say to my friend that for the last three or four years the item has been put in the bill as reported to the House.

Mr. HOPKINS. Has it not been for the session only, and is not this now for the year?

Mr. BUTTERWORTH. This is now for the session. The Senate some time ago desired to have an appropriation made for the year, and we had a difference between the two Houses on that point, but finally the appropriation was made for the session. This bill carries an appropriation for the session only, not for the year.

Mr. RICHARDSON. I ask whether it has been usual for the House to frame the appropriation bill in this way.

Mr. BUTTERWORTH. Yes, sir; for a number of years the item has appeared in just this form.

Mr. RICHARDSON. I withdraw the *pro forma* amendment.

The Clerk read as follows:

For thirty clerks to Senators who are not chairmen of committees, at \$6 per day each during the session, \$33,340.

Mr. WALTER I. HAYES. I wish to offer an amendment.

Mr. HOLMAN. I desire to make a point of order on the text of the bill.

The CHAIRMAN. The amendment of the gentleman from Iowa [Mr. WALTER I. HAYES] will be read.

The Clerk read as follows:

Add, after line 8, on page 8, the following:

"For clerks to Representatives who are not chairmen of committees having a clerk, at \$6 per day during the session, such sum as may be necessary for that purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated."

Mr. HOLMAN. I submit a point of order to the text as it stands in the bill, from lines 6 to 8 inclusive, that it is not authorized by existing law.

Mr. BUTTERWORTH. To what Congress does the amendment of the gentleman from Iowa propose to attach this force of clerks? I did not catch the reading of the amendment.

Mr. WALTER I. HAYES. The Congress to which this appropriation bill applies—the next Congress.

Mr. BUTTERWORTH. Has no relation, of course, to the present Congress?

Mr. WALTER I. HAYES. No, sir.

Mr. BUTTERWORTH. Well, it is proper to call the attention of the House to the fact that this brings up the old mooted question whether members shall be provided with clerks or not. I have always voted for it myself and see no reason to change my habit now. If gentlemen have views to submit or votes to cast on this question, now is the proper time to determine the matter and let them be prepared to act.

Mr. WALTER I. HAYES. I understand, of course, that this bill applies to the next Congress. I drew the amendment hurriedly. If it does not apply I wish to frame it so as to make it apply.

Mr. BUTTERWORTH. So far as that is concerned, it necessarily applies to the next Congress, for the bill does not go into operation until after this Congress expires.

Mr. WALTER I. HAYES. I so understood.

The CHAIRMAN (Mr. ALLEN, of Michigan, in the chair). The Chair would state to the gentleman that this amendment would more properly come in under the head of "House of Representatives" than here.

Mr. WALTER I. HAYES. I know; but I was aware of the fact that there the question of order would be raised on the ground that it is new legislation; whereas here it is certainly germane to this provision.

Mr. HOLMAN. I have made a point of order to the text, and if that is sustained of course there is nothing to go in.

The CHAIRMAN. The Chair so understands.

Mr. BUTTERWORTH. It is impossible to hear what my friend has said.

The CHAIRMAN. The gentleman from Indiana makes the point of order upon the paragraph that it is not authorized by existing law; and of course, if that is sustained, then there will be nothing to which the amendment could be offered.

Mr. BUTTERWORTH. I have no doubt as to the question of its being in virtue of existing law; but I would like to hear the gentleman from Indiana on the specific proposition now pending, which I should be glad to have again reported.

The CHAIRMAN. The amendment will be again read.

The amendment was again read.

Mr. BUTTERWORTH. I think the amendment should be prepared, if it is to go through, with a little more care as to fixing the service to be rendered by these persons, and so on. Personally I have no objection to the amendment and will let the committee determine the matter for themselves.

Mr. HOLMAN. The point of order is reserved against both, I suppose the Chair understands.

The CHAIRMAN. The Chair so understands.

Mr. OUTHWAITE. I did not understand that any point of order was reserved on the amendment. The point of order I understood was to the text of the bill.

The CHAIRMAN. Certainly; but it also embraces the amendment.

Mr. OUTHWAITE. But the gentleman did not make the point of order against the amendment.

The CHAIRMAN. The gentleman himself so states and the Chair so understood.

Mr. BUTTERWORTH. I desire to say that if this amendment is adopted I shall, of course, have a vote on it in the House, so that we may be clear about the value of the measure. Personally, I repeat, I am not opposed to it.

Mr. CHEADLE. I understand my colleague [Mr. HOLMAN] has made a point of order upon the entire paragraph, that it is here without authority of existing law. Now, it seems to me that before we can consider the question of the amendment proposed by the gentleman from Iowa this question must be first decided. If this item is not in the bill by authority of law it ought to go out, because the appropriation of the people's money should only be made under and by authority of existing law.

Mr. KERR, of Iowa. I make the additional point of order—

The CHAIRMAN. The only question now is on the point of order raised by the gentleman from Indiana.

Mr. KERR, of Iowa. I wish to make another point of order against the amendment proposed by the gentleman from Iowa.

The CHAIRMAN. The question now is on the point of order raised by the gentleman from Indiana to the paragraph of the bill referred to.

Mr. HOLMAN. I think it is a matter certainly within the knowledge of the Chair that there is no law to authorize this appropriation of money for the year 1892. There is an existing appropriation of money for the current year for the payment of clerks to Senators not chairmen of committees. That is conceded. But there is no law within the meaning of the rule authorizing this appropriation of money for the coming year.

Mr. BUTTERWORTH. If my friend will permit me, there is no law in regard to any officials, except those that are elected and so provided to carry on the business of the House. In conducting its business the House and the Senate provide for such employés and assistants in the appropriation bills as they deem necessary, and that power is conferred

upon them by the Constitution itself. This provision in the bill is to provide for certain clerical assistance necessary for carrying on the business of the Senate, and the amendment provides for the business of the House. Both of them relate to the same purpose.

Mr. HOLMAN. But my friend must bear in mind the fact that no ruling on that subject has gone further than this, that it was competent to add to a body of persons in public employment where the occasion is necessary, and it is done at every session of Congress.

But all of these clerks were provided for originally—I mean to say the class was provided for—by some act of Congress. Now, here is a case entirely different and distinct. Here is a class, that is to say, clerks to the Senators not being chairmen of committees. That is a separate class of itself. Now, that never was provided for by law. No number was ever fixed. I can see that if five or ten years ago, when there was a given number of Senators, there had been a law allowing Senators who were not chairmen of committees to have clerks—I can see that an increase would be justified, for instance, as the number of Senators was increased; but here is a case where there is no original act or law authorizing this class of clerks. The best that can be said is that there is on the statute books an appropriation of a certain amount of money for clerks for Senators who are not chairmen of committees; but that applies simply to the current year and is not a law operating in the future, such as is contemplated by the rules of the House.

The CHAIRMAN. That is a repetition, is it not, of the language of the preceding law.

Mr. HOLMAN. Yes, but it is fair to say, if the Chair has not watched the course of legislation on this measure from time to time, that up to this time it has been held, notwithstanding appropriations have been made for a number of years, that this appropriation is not authorized by any existing law, and that if it got on to the bill at all, it was through the action of the Senate, and not by the action of the House.

Mr. BUTTERWORTH. Mr. Chairman, no question of order has ever been sustained against this proposition, and, as to these men constituting a class, it is a question whether three or six or ten constitute a class. It is to provide a working force for this House, and the fact that we provide for fifty instead of three does not make a class. It is not the number that fixes the class, and no point of order has ever been sustained against it; but it has been voted down in the House after always being sustained by a *viva voce* vote in the committee. It has not been voted down until it came to the yeas and nays in the House.

A MEMBER. That is very singular.

Mr. BUTTERWORTH. It is a very singular statement, but it shows how much better we know than we do. [Laughter.]

Mr. HOLMAN. Mr. Chairman, I am not certain that this question has ever been presented heretofore, for the reason that I do not remember before that this provision has been in the original bill; but I feel quite confident that a new class of clerks can not be added to the current legislative, executive, and judicial appropriation bill without some prior authority of law, and that it has certainly not been held that an appropriation law for a current year is existing law within the meaning of the rule of the House against appropriations of money except in pursuance of existing law.

Mr. BUTTERWORTH. But, Mr. Chairman, my friend will hardly insist that we could not increase the number of employees of this House twenty-five or thirty or forty. The House judges for itself what is necessary to enable it to conduct its business; and I repeat again there are no officers of the House, except the elective officers, provided for by law or otherwise than in appropriation bills.

Mr. HOLMAN. Oh, yes.

Mr. BUTTERWORTH. And this amendment has been offered time and time again, and the point of order has never been sustained against it because it was regarded as clearly within the province of the House to provide whatever it needed for its working machinery. Otherwise the House could not carry on its business at all. Otherwise the lack of a law which authorizes the House to transact its business would paralyze its effort. It must always be left free to provide for its own work the necessary machinery, or else it might find itself unable to move a step.

Mr. HOLMAN. I do not think the gentleman can point to an instance where a new office has been created by the House, if the point of order was raised, upon an appropriation bill. I admit that there have been increases from time to time in the various classes of clerks; but I question very much, in fact, I should be compelled to deny, that a new office could be created for the House of Representatives or for the Senate, or any other new class of clerks, except in pursuance of some law other than the mere, current appropriation bill. I have not the precedents and I do not think the gentleman from Ohio [Mr. BUTTERWORTH] has; but I feel quite confident that it will not be found that this point of order has been made and overruled heretofore. I take it, it has always been placed in the bill by the Senate, and therefore the point could not come up in the House.

Mr. BUTTERWORTH. The question has always arisen and it has never been ruled out. It is proper to say, Mr. Chairman, and I will call attention to the fact, that there is no warrant of law or any statute on earth that provides for the clerks already employed, except the appropriation bill.

The CHAIRMAN. The Chair is of the opinion that the point of order is not well taken on the pending paragraph, and overrules it.

Mr. BUTTERWORTH. Now I am ready to have a vote on this question.

Mr. HOLMAN. Mr. Chairman, I rise to a question of order—

A MEMBER. What is the pending amendment?

Mr. HOLMAN. I submit a parliamentary inquiry—whether or not the decision of the Chair extends to the amendment proposed by the gentleman from Iowa.

The CHAIRMAN. The gentleman made the first point of order upon the paragraph.

Mr. HOLMAN. That was decided.

The CHAIRMAN. The Chair decided the first point of order made. Mr. HOLMAN. I understand that; but as to the amendment proposed by the gentleman from Iowa. I made the point of order on the amendment proposed by the gentleman from Iowa.

The CHAIRMAN. The gentleman from Indiana made the further point of order against the amendment offered by the gentleman from Iowa, which is practically to give members clerks.

Mr. DOCKERY. I make the point of order that it comes too late.

Mr. HOLMAN. That is my point. I make the point of order on this amendment.

The CHAIRMAN. The gentleman from Indiana makes the point of order, and the gentleman from Iowa [Mr. KERR] says he made the same point of order.

Mr. HOLMAN. The point of order is against both.

The CHAIRMAN. The Chair is inclined to leave the point of order upon this amendment made by the gentleman from Indiana and by the gentleman from Iowa [Mr. KERR] to the committee.

Mr. BUTTERWORTH. That is right.

The CHAIRMAN. The Clerk will again report the amendment offered by the gentleman from Iowa.

The amendment was again read.

The CHAIRMAN. The gentleman from Indiana makes this point of order, that it is new legislation.

Mr. KERR, of Iowa. That is the point.

The CHAIRMAN. The Chair will leave the question to the committee itself.

The question was taken on sustaining the point of order, and the Chair announced that the "noes" seemed to have it.

Mr. HOLMAN. Division.

The committee divided; and there were—ayes 33, noes 86.

The CHAIRMAN. The point of order raised by the gentleman from Iowa [Mr. KERR] and the gentleman from Indiana [Mr. HOLMAN] is overruled by the committee itself; and the question is on the adoption of the amendment offered by the gentleman from Iowa.

Mr. KERR, of Iowa. Mr. Chairman—

The CHAIRMAN. The Chair will first state the proposition, which is on agreeing to the amendment offered by the gentleman from Iowa, giving to the members of the House a clerk.

Mr. BIGGS. Upon that I want to be heard.

Mr. KERR, of Iowa. Mr. Chairman—

The CHAIRMAN. The gentleman from Iowa [Mr. KERR] is recognized for five minutes.

Mr. BIGGS. I hope I will be recognized.

The CHAIRMAN. Discussion will be allowed on the question, of course. The Chair will state incidentally that this is a question of some importance to members themselves, and the Chair trusts that the committee will be in order.

Mr. WALTER I. HAYES. Will my colleague yield to me for one moment? I want to perfect the amendment. And it had better be in the shape that is desired before the discussion is had, and for that reason I wish to offer a substitute for it.

Mr. KERR, of Iowa. I yield the floor to my colleague to offer his proposed amendment, as he desires to modify this proposition, before I make my remarks. I have no objection to that.

Mr. WALTER I. HAYES. Mr. Chairman, I desire to substitute what is marked in blue pencil for the amendment which I have offered.

The Clerk read as follows:

That from and after the approval of this act each Representative and Delegate in Congress shall be entitled to a clerk during the sessions of Congress, to be appointed and paid as follows, to wit: Each Representative and Delegate may appoint such a person as he desires to be his clerk, and report such appointment to the Clerk of the House of Representatives, who thereupon shall record the name of such appointee in a record book to be kept for that purpose, showing the full name of such person, the State or place from whence and by whom appointed, with the date of such appointment, and who shall also record therein removals and resignations when made.

That each of the aforesaid clerks shall be paid as other employees of the House of Representatives, but only for the time so actually employed in service as such clerk, and upon the certificate of the Representative or Delegate by whom appointed of such actual employment, at the rate of \$100 per month.

That each of said clerks shall be removable at the pleasure of the Representative or Delegate by whom appointed.

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, such sum as may be necessary for this purpose.

The CHAIRMAN. Without objection, the amendment just read will be considered as pending, in lieu of the one previously offered.

Mr. WALTER I. HAYES. I desire to change the wording of the language of the first phrase of the amendment.

The Clerk read as follows:

That for the next Congress each Representative and Delegate in Congress, etc.

The CHAIRMAN. If there be no objection, the amendment just read will be considered as pending in lieu of the one which was offered. [After a pause.] The Chair hears no objection.

Mr. KERR, of Iowa. I desire to say that I have no objection to its being considered as a substitute, but on that I raise the point of order.

The CHAIRMAN. The point of order has been decided by the committee.

Mr. KERR, of Iowa. Not on this.

The CHAIRMAN. Does the gentleman raise the point of order on this substitute?

Mr. KERR, of Iowa. I make the point of order upon the amendment as now offered.

Mr. HOLMAN. I hope, Mr. Chairman, that debate will be allowed upon the point of order. It involves a very important principle. It involves the question whether or not this new class of clerks, with large salaries, can be created on an appropriation bill.

Mr. BUTTERWORTH. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. HOLMAN. I do not think there is any precedent for it.

Mr. BUTTERWORTH. It is impossible to hear what is going on. I can see motions, but can not hear a word, there is so much disorder.

The CHAIRMAN. The committee will be in order. The gentleman from Iowa makes the point of order upon the substitute for the amendment now pending.

Mr. HOLMAN. I hope the House will consider the effect of this decision, for if this committee or this House of Representatives can on an appropriation bill pass a provision like this, creating a new class of clerks, fixing their salaries, then there is no limit whatever upon the part of the House or the Committee of the Whole to inaugurate legislation creating new officers and new employees of the House. It is a perilous thing to do. It will destroy our rules; and I hope gentlemen will not, that the House will not, commit itself to the proposition that such an amendment as this is in order on an appropriation bill.

My point is this, that in the measure concerning ourselves we are adopting a rule that will be fatal to future legislation, because if this amendment is held to be in order it will make a precedent for unlimited appropriations of money, with no rule of the House to guard against them.

Mr. WALTER I. HAYES. Mr. Chairman, I wish to ask the gentleman from Indiana if there is any difference, so far as the rule of order is concerned, between this question and the one that the committee has just passed upon.

Mr. HOLMAN. Oh, no; but I hope this will not be passed upon favorably.

Mr. CHEADLE. Mr. Chairman, if the point of order made by my colleague, Mr. HOLMAN, will not lie against this amendment, then, if I can comprehend the meaning of words, no point of order can ever lie against any amendment that may be attached to any appropriation bill. Unless this point of order shall be sustained, we are at the mercy of one man, the chairman of the committee, in the enactment into law of the measures that come before us for our consideration. The rules of this House are supposed to have the same effect upon us as existing law. We are here making laws for the Government of a mighty nation, where the only source of security is in the cheerful obedience to the law by the people, and if we who are here to formulate these measures into law shall not hold ourselves amenable to existing law and rules of the House, then we are unworthy to represent the American people.

Mr. BUTTERWORTH. If my friend will permit a suggestion, the difference is this. In the very nature of things, under the Constitution, the two Houses of Congress must provide for the machinery to conduct their business. Hence it is always competent for them to make such provision as they deem wise for that purpose. This pertains to the conduct of the business by the body which makes the law.

Mr. CHEADLE. That is true; but for more than one century, and for the two longest sessions of Congress in our national life, the members of this House have found themselves able to get along without the assistance of clerks.

A MEMBER. And there are ten of them dead.

Mr. CHEADLE. I want to say to this side of the Chamber that while they have the power to overrule this point of order they can not and will not represent the great mass of the laboring and wealth-producing classes of the West and of the whole country in heaping upon the taxpayers of the country this additional and unnecessary burden.

I trust that the Republican party upon this side of the Chamber will stand by the existing rules which we have made for the transaction of business here and for the protection of the interests of the people, because our only security, the only barrier between us and the most outrageous extravagance in public expenditures is to be found in the cheerful obedience of all to the existing law and to the existing rules of this body. I sincerely trust that gentlemen will not vote this unnecessary burden upon the taxpayers of the West and of the whole country.

Mr. KERR, of Iowa. Mr. Chairman, before the point is decided, I

wish to say that the amendment as first proposed offered by my colleague [Mr. WALTER I. HAYES] was to grant a compensation to members for the clerk hire which they have paid as individuals for this Congress as well as for the next, and the modification that he has made, while it does take away somewhat the appeal to the selfishness on this side of the House, rather increases the appeal to the selfishness on the other side, because those of us who are going out would not receive any benefit under the modified amendment, while probably three-fourths of the gentlemen on the other side would be benefited by it to the extent of the amounts that they are now, as individuals, required to pay for clerk hire.

The amendment provides for compensation to individual members for clerks. I do not have any doubt that, as the gentleman from Ohio [Mr. BUTTERWORTH] says, we have the right to fix the compensation of clerks of committees, because a committee is a part of the organization of the House. But that rule does not apply to clerks for individuals, because an individual has no official capacity except so far as his vote and his action as a member of the House are concerned.

Mr. BUTTERWORTH. My friend will observe that these are not to be clerks to individuals, but clerks to "members" in their official capacity.

Mr. ANDERSON, of Kansas. What is the difference? It is "the difference between tweedledum and tweedledee."

Mr. BUTTERWORTH. The provision is that each member shall have a clerk.

Mr. KERR, of Iowa. Each member as an individual, not as a committee but as an individual, is to have a clerk to do his individual business, and not his business as a part of the organization of the House. So, Mr. Chairman, I hold that the point of order ought to be sustained.

Let me add that I hope gentlemen on the other side will not be guilty of the injustice to this side of the House of voting to sustain this proposition. They seek to charge this Congress with this increase of expenditures, when they know that they would be afraid to meet the question in the next Congress; and I appeal to the sense of honor of gentlemen on that side to sustain this point of order. [Cries of "Rule!" "Rule!"]

The CHAIRMAN. The Chair sustains the point of order made upon this substitute by the gentleman from Iowa [Mr. KERR]. Does the gentleman [Mr. WALTER I. HAYES] appeal from the decision of the Chair?

Mr. WALTER I. HAYES. Yes, sir.

Mr. ANDERSON, of Kansas. Now, I would like to be heard on the appeal.

The CHAIRMAN. The gentleman from Kansas is recognized on the question of the appeal.

Mr. ANDERSON, of Kansas (turning his back to the Chairman). The Chair will pardon me for addressing my remarks to the committee, that I may be heard by members.

Probably there is not a gentleman on this floor who in his calm moments—

Mr. BUTTERWORTH. It is impossible to hear the gentleman.

The CHAIRMAN. The committee will be in order.

Mr. ANDERSON, of Kansas. I asked the Chair to excuse me for addressing my remarks directly to the committee.

Mr. BUTTERWORTH. Unless we hear the gentleman, we do not know whether to excuse him or not. [Laughter.]

The CHAIRMAN. The committee will please be in order.

Mr. BLOUNT. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLOUNT. I want the opinion of the Chair with reference to the parliamentary situation of this question. Of course we all recognize the rule that we can not legislate upon an appropriation bill. The gentleman from Iowa [Mr. WALTER I. HAYES] offered an amendment, legislative in its character, providing for clerks to members. The Chair submitted to the Committee of the Whole the point of order which was raised, and the committee decided that the proposition was in order. Then, as I understand, the gentleman from Iowa asked unanimous consent to substitute a second proposition in lieu of the first, which had been decided to be in order, and the Chair submitted the question of unanimous consent, which was granted. I wish to know from the Chair whether that is not the situation of this question.

Mr. KERR, of Iowa. No.

The CHAIRMAN. The substitute offered by the gentleman from Iowa was, in the opinion of the Chair, subject to the point of order; at least the Chair felt it his duty to so consider it, and did.

Mr. BLOUNT. Now, if the Chair will allow me—

Mr. KERR, of Iowa. Will the gentleman yield for a moment? I want to correct him.

Mr. BLOUNT. The gentleman can correct me afterward, or the Chair can do so.

The CHAIRMAN. The gentleman from Georgia will proceed.

Mr. BLOUNT. I wish to know whether the Chair submitted to the Committee of the Whole the request for unanimous consent as to the second proposition, the substitute for the first?

The CHAIRMAN. The Chair did.

Mr. BLOUNT. And the House gave consent.

Mr. KERR, of Iowa. But I made a point of order which was recognized by the Chair; otherwise I would have objected.

The CHAIRMAN. The committee gave unanimous consent to the offering of the substitute; but at the time it was offered the gentleman from Iowa made the point of order.

Mr. BLOUNT. I did not so understand. I simply wanted to know the facts.

The CHAIRMAN. The Chair does not consider that he ought to allow a point of order made in that way to be evaded. The gentleman from Iowa was in ample time with his point of order, and the Chair held that it was good. Now the gentleman from Kansas desires to address the committee.

Mr. BLOUNT. Now I wish to ask the Chair another question. If unanimous consent had been refused, the first proposition of the gentleman from Iowa [Mr. HAYES] would be before the committee.

The CHAIRMAN. The question would be on its adoption. The question now pending is the appeal from the decision of the Chair, and the gentleman from Kansas has the floor.

Mr. WALTER I. HAYES. I rise to a parliamentary inquiry. The question of order upon the amendment when it was first offered was by the Chair submitted to the Committee of the Whole, which refused to sustain the point of order. Then what was practically an amendment to that, a substitute for it, was offered, and a point of order was made upon it. But it is conceded by the gentleman from Indiana who made that point of order that, so far as the point of order is concerned, the same identical question is presented. Now, the Committee of the Whole having passed upon that question, is there anything left for the Chair to decide upon this new point of order which is made?

The CHAIRMAN. The gentleman from Iowa [Mr. WALTER I. HAYES] is mistaken. The gentleman from Iowa [Mr. KERR] made a point of order upon the gentleman's substitute.

Mr. WALTER I. HAYES. But the question had been voted on. There is no difference as to the point of order between the two propositions.

The CHAIRMAN. It has not been voted on. The Chair decided the second point of order.

Mr. WALTER I. HAYES. I understand; but the point of order which was raised was precisely the same as the Committee of the Whole had just passed upon.

The CHAIRMAN. The Chair does not so consider it. The first point of order was upon a portion of this bill which had at least the authority of precedents. The committee decided the gentleman's amendment as in order. But the substitute offered by the gentleman from Iowa has not been submitted to the committee and is, in the opinion of the Chair, new legislation properly subject to the point of order, and the Chair so held. The gentleman from Kansas is recognized, if he desires to speak; otherwise the Committee of the Whole will proceed with its work.

Mr. ANDERSON, of Kansas. Mr. Chairman, the question before the committee is whether the decision of the Chair as to this amendment is in accordance with the rules, usages, and continued practice of the House. When interrupted I was about to say that I doubted whether a single gentleman on this floor was not satisfied in his own mind that the point of order was well taken, that the decision of the Chair was correct, and that it should be sustained. I believe this to be the fact.

It so happens, however, that the question involved is practically a personal question which has appealed to my pocket every year in the last twelve and which appeals to each member's pocket, namely, whether he shall pay fifty or sixty dollars a month for a clerk or whether in some way the House of Representatives shall be made to pay for his clerk. That he must have a clerk everybody knows, just as he must have meals and rooms, and these he pays out of his salary. I have paid my clerk out of my salary; but if Government had paid him my salary would have been just that much greater than it really has been. And every argument which can be urged for voting clerks would be equally good for voting our board bills. In other words, gentlemen, it is a question of personal pork.

Mr. KELLEY. And they are trying to railroad it through.

Mr. ANDERSON, of Kansas. Oh, yes, it is a characteristic of the legislative pork business that those most interested in the results manifest the greatest impatience.

But this is distinctively and vividly a question of personal pork, I repeat; and I do not wish to be understood as making any insinuations or reflections upon any of my friends who are supporting the measure, but I only use that term because the question necessarily appeals to every member's pocket just as it has appealed to my pocket. And I submit to this (the Republican) side of the House that an overthrow of the decision of the Chair will entail upon us the responsibility of a scandal.

Now, I am going out. A great majority of my Democratic brethren are going to stay in. On this side of the House will come in several gentlemen who have not been here before; and I do not see why the new Democrats and the gentlemen coming in on this side of the House should not have the privilege and responsibility of providing their own clerks and of paying them, just as I have done. I do not see why

the Republican side of the House, responsible to the country as we are for the legislation of this Congress, shall violate the rules, overrule a palpably clear and right decision of the Chair, simply for the purpose of giving to the members of Congress in the next House of Representatives an addition to their salaries under the guise of clerk hire, which has never been given to individual members or to any of the members except chairmen of committees heretofore.

Now, I ask the House just to stop and think for a moment. I ask Republicans to stop and think. Our brethren over there will be making some broken, fragmentary speeches about us in a year or two, and on the stump will be citing the extravagance of a Republican Congress and the extravagant appropriations made by a Republican House, calling attention to this, that, and the other thing, and especially will be emphasized this item, entirely indefensible, that will be understood by the country at large as an indirect salary grab. I am opposed to it. I believe the decision of the Chairman to have been eminently correct and proper, and whether the committee sustains it or not I hope there are enough members on the floor of the House, in the event that the amendment be adopted, to demand the yeas and nays and let the country understand precisely who are and who are not responsible for this provision.

Mr. BLOUNT. I rise for the purpose of asking the gentleman from Iowa to withdraw the appeal from the decision of the Chair. As I understand the matter unanimous consent was asked for the substitution of the new amendment subject to the point of order. The committee has already decided the first proposition to be in order; and if the gentleman withdraws this he may offer as I understand it the first proposition, which is susceptible of amendment.

Mr. BUTTERWORTH. I will object to any withdrawal, and desire to say a word on the question of appeal.

The CHAIRMAN. Will the gentleman allow the Chair a moment to state the pending question?

Mr. BUTTERWORTH. Certainly.

The CHAIRMAN. There seems to be some confusion owing to the noise in the Hall as to the exact status of the question now before the committee, confusion arising from the noise prevailing, and is such that many gentlemen do not understand the proposition and have requested the Chair to state it again.

The first proposition was the point of order made by the gentleman from Indiana [Mr. HOLMAN] upon the text of the paragraph in the printed bill. That question was submitted to the committee and the point of order was overruled by the committee. The gentleman from Iowa [Mr. WALTER I. HAYES] in the mean time had offered an amendment which virtually gives clerks to the members of the House. After the decision of the committee relative to the point of order raised by the gentleman from Indiana, the gentleman from Iowa [Mr. WALTER I. HAYES] asked unanimous consent to offer a substitute for his amendment.

The Chair asked unanimous consent for this and it was granted, subject still to the point of order which had been made by the gentleman from Iowa [Mr. KERR], which point of order is to the effect that the proposed amendment is new legislation. The question of order being submitted to the Chair, the Chair sustained the point of order, and an appeal was taken by the gentleman from Iowa. The pending question, therefore, is the appeal from the decision of the Chair—Shall the decision of the Chair stand as the judgment of the committee?—and upon that the gentleman from Ohio [Mr. BUTTERWORTH] is recognized.

Mr. BLOUNT. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLOUNT. There is a misunderstanding as to what was the ruling of the committee on the first amendment of the gentleman from Iowa.

The CHAIRMAN. There was no ruling of the committee on the amendment of the gentleman from Iowa. The committee decided that the point of order raised by the gentleman from Indiana upon the printed paragraph in the bill, to wit, the provision allowing clerks to Senators not chairmen of committees was overruled. The Chair sustained the next point of order on the substitute and the question now before the committee is the appeal from that decision.

Mr. BUTTERWORTH. As I understand the question, the Chair is entirely correct in the statement. A point of order was made by the gentleman from Indiana against the appropriation in the bill covering clerks to Senators, and my friend from Iowa [Mr. WALTER I. HAYES] offered a substitute or an amendment, which, by unanimous consent, came before the committee in lieu of the one he first offered.

Now, touching the appeal. It seems to me entirely within the province of the House to make this provision for the conduct of its legitimate business. That provision is never made in any other form, and at least it may be made here. I have deemed it perfectly competent for the House, and I have constantly so held, to provide such clerical assistance as it may need for the performance of its functions.

But, since my friend from Kansas [Mr. ANDERSON] in discussing the appeal referred to the merits of the question for a moment, I desire to say that every man here must answer to his own conscience and to his own constituents for the votes he casts. It is a matter of the slightest

possible concern, if my vote is right, whether the clerk appointed inures to my benefit or not. The only question is will this appropriation secure to each member of the House such necessary aid in the discharge of his public duties as to enable him to render a better public service? I said once before that I believed there was not a man here who could safely undertake to stand a civil-service examination in regard to 5 per cent. of the business that is before this body.

Mr. BIGGS. Then why do not you come in and vote with us?

Mr. KERR, of Iowa. I make the point of order against the gentleman from Ohio—

Mr. BUTTERWORTH. Now, every one here knows—

Mr. KERR, of Iowa. Mr. Chairman, I make the point that the gentleman is not discussing the point of order.

The CHAIRMAN. The gentleman from Ohio will proceed in order.

Mr. BUTTERWORTH. The gentleman is entirely correct about that, but I notice that he was not seized with compunctions upon that point when my friend from Kansas [Mr. ANDERSON] was talking about personal pork.

Mr. KERR, of Iowa. It was your turn to object then.

Mr. BUTTERWORTH. Now, it is fair, I submit to my honored friend, that as he listened with such complacency to my friend from Kansas for five minutes he yield to me for two minutes on the same point. All I have to add is this: We all know that from the farthest corners of this country matters are sent to members of Congress which are not in the line of legislation and which have no relation to it. It takes you to the Departments every day. You look after pensions, you look after claims, you look after mineral lands, you look after all the public lands of this country, and a thousand interests that do not pertain to your duties as legislators, and which a clerk could perform.

The only reason for still objecting to paying a clerk would be that your salaries are sufficient to enable you to do it at your own expense. I do not agree to that proposition, and, in my judgment, the service which we are called upon to perform for the country would be better rendered if you gave to each member of Congress a clerk to attend to the duties referred to, in order that you might give serious and constant attention to the business for which you are sent here, which is legislation.

Now, I am perfectly aware that these calls upon us are perfectly legitimate and proper; but they consume a very large part of our time, and hence bills come before us every day with which we are unfamiliar by reason of a want of opportunity to give full and careful investigation to them, because of these additional duties. I do not think the salary paid to a member of Congress is too large. I think every constituent in this country will realize that his member of Congress should have sufficient help to enable him to perform the duties that devolve upon him as a member of this body. The Senators have had clerks for years. We have needed them and wanted them for years and voted to have them each session on a *viva voce* vote and on a call for tellers, but on a call of yeas and nays there was on every occasion a falling away.

Mr. ANDERSON, of Kansas. Will my friend allow me—

Mr. VAUX. What do they pay members of Congress for?

Mr. BUTTERWORTH. I will say to my friend from Pennsylvania [Mr. VAUX] that if you are called upon to discharge a duty, and in the discharge of that duty you find that you need additional help, your employer, whether a constituency or an individual, will say, "Brother VAUX, I will furnish you the help to enable you to discharge the duties I devolve upon you." [Applause.]

Mr. VAUX. When our constituencies say so, then it will be time enough; but they have not said so yet.

Mr. BUTTERWORTH. I know nothing about the gentleman's constituency. I have been here for twelve years and have voted for this measure every time it has come up, and I have never heard one man, rich or poor, high or low, complain because I asked to have the help I needed to perform the work devolving upon me. [Applause.]

Mr. ANDERSON, of Kansas. Will the gentleman allow me to ask him a question?

Mr. BUTTERWORTH. Certainly.

Mr. ANDERSON, of Kansas. Is not the single question this, not whether you need some one to help you as a clerk, but whether you or the Government shall pay that clerk?

Mr. BUTTERWORTH. It is a question whether I can discharge the duties devolving upon me and employ the additional help that I need justly out of the salary I am allowed. I find I can not do it.

Mr. ANDERSON, of Kansas. Has not my friend hired a clerk?

Mr. BUTTERWORTH. Yes, three of them, and if I had not kept doing work which would yield me some revenue in addition to my salary I would be so poor that I could not afford to have a shadow follow me. [Laughter.] But I do not care to discuss this further at this time, and I call for a vote.

Mr. BLOUNT. I hope we may have order.

Mr. BOATNER. I desire to ask the gentleman from Ohio, is not the opposition to this measure more a matter of demagoguery than the measure itself is a matter of pork?

Mr. BUTTERWORTH. I have never seen a time in the House when the sentiment upon this measure, on a canvass of the House, has not been in favor of it. I have never seen it passed upon when, by a

viva voce vote, it has not been supported by a full majority, and I have never been here when by a ye-and-nay vote the House has not gone against it like a whirlwind. [Laughter.] I have voted for it always, for the simple reason that I believed it to be just and in the interest of the good people whom I represent and whose interests I am trying to protect and subserve.

Mr. HOLMAN. That is true; on a ye-and-nay vote the measure always failed.

Mr. BLOUNT. Mr. Chairman, I wish to renew again the inquiry of the Chair which I made awhile ago, to wit, whether or not the Chair did not submit the point of order made against the first amendment of the gentleman from Iowa [Mr. WALTER I. HAYES] to the committee and if the committee did not overrule that point of order.

The CHAIRMAN. The committee will be in order. The Chair was in error at one point in the statement he made before, and with the permission of the committee will state the parliamentary status of the question.

Mr. OUTHWAITE. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The disorder is so great that it is difficult for any one to be heard.

Mr. OUTHWAITE. That is the point of order I wished to make. There is so much confusion in the Hall that it is impossible to hear what is being said.

The CHAIRMAN. Gentlemen of the committee complain that they have not, because of the confusion, been able to understand the ruling of the Chair and the parliamentary status. The Chair was in error in his former statement as to which point of order was submitted to the committee and will restate it, correcting the error. The gentleman from Indiana [Mr. HOLMAN] made a point of order upon lines 6, 7, and 8, upon page 8, of the pending bill, which virtually gives clerks to Senators. The Chair overruled the point of order. The gentleman from Iowa [Mr. WALTER I. HAYES] offered an amendment which virtually gave clerks to the members of the House of Representatives. A point of order having been raised on this amendment by the gentleman from Indiana, the Chair submitted it to the committee and the committee overruled the point of order.

The gentleman from Iowa [Mr. WALTER I. HAYES] then desired to offer a substitute for that amendment, different in language and in scope, as the Chair understands, and asked unanimous consent that it be substituted for the amendment previously offered by him. Unanimous consent was given, except that the gentleman from Iowa [Mr. KERR] reserved at the time it was offered the point of order upon the substitute, and the Chair held that the gentleman could do this, the point of order being that it was new legislation upon an appropriation bill. The Chair sustained the point of order. Now, the gentleman from Iowa [Mr. WALTER I. HAYES] appeals from the decision of the Chair, and that is the pending question before the committee.

Mr. BLOUNT. Mr. Chairman, I wish to submit to the Chair—

Mr. WALTER I. HAYES. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. WALTER I. HAYES. Now, in view of the statement that the Chair has just made, correcting the previous statement, and the last statement being correct, I desire to ask the Chair whether, in view of the fact that nobody claims but what the present substitute is the same in effect as the other proposition, the ruling of the committee overruling the point of order does not stand as to this.

The CHAIRMAN. The gentleman from Iowa [Mr. KERR] made the point of order on the substitute and the Chair sustained it; and the question before the committee is either to sustain or overrule that decision.

Mr. WALTER I. HAYES. Another parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WALTER I. HAYES. If the appeal be now withdrawn, does the proposition stand before the Committee of the Whole that was previously voted upon and which the committee decided was in order?

The CHAIRMAN. If the appeal is withdrawn the substitute goes out upon the point of order, and the first amendment offered by the gentleman from Iowa is not pending, because he withdrew it and substituted another by unanimous consent, the point of order being reserved.

Mr. WALTER I. HAYES. I did not withdraw it.

The CHAIRMAN. The gentleman withdrew it by offering a substitute, as before stated.

Mr. WALTER I. HAYES. I offered the other as a substitute, but did not withdraw the first amendment.

Mr. BLOUNT. Mr. Chairman, I wish to submit to the Chair a question without reference to the former ruling. The Chair has already stated that the first proposition of the gentleman from Iowa was legislative in its character in the matter of allowing clerks to members of the House of Representatives.

The CHAIRMAN. The gentleman from Georgia will allow the Chair to state that he has said nothing about the first amendment to the bill. It was as to the substitute the Chair has spoken and ruled.

Mr. BLOUNT. The Chair misapprehends what I have said. I said that the Chair, in characterizing the first amendment of the gentle-

man from Iowa [Mr. WALTER I. HAYES], said the effect of it was to give clerks to members. Am I correct?

The CHAIRMAN. The Chair understands that that was what the amendment meant.

Mr. BLOUNT. Now, Mr. Chairman, the Chair having reached the conclusion that the first amendment of the gentleman from Iowa was legislative in its character, and the committee having determined otherwise, the Chair will acquiesce, of course, in that decision, having submitted it. Then I wish to submit to the Chair whether, having got an amendment of that kind before the committee, granting clerks to members, it is not competent for the committee to better that legislation by amendment. And I desire to ask whether that has not been the practice of the House. When you have inserted a legislative proposition in a bill, you have passed away from the rule? Then the question is on the perfection of that legislation.

The CHAIRMAN. The gentleman from Georgia will allow the Chair to state that the first amendment was withdrawn by unanimous consent, and another, different in character, was laid before the committee.

Mr. BLOUNT. Then, if the Chair will allow me, I wish to submit another question.

Mr. BLAND. The Chair is mistaken. The gentleman from Iowa did not withdraw his amendment.

Mr. BLOUNT. I am not caring about that; for my purpose it does not amount to anything. I wish to ask the Chair if, with that second amendment out of the way, the first having been determined to be in order by the Committee of the Whole, it would not be competent for the gentleman from Iowa [Mr. WALTER I. HAYES] to offer the amendment which the committee has decided to be in order, and then it would be for the committee itself to amend that and perfect it in such form as in its wisdom it desires.

The CHAIRMAN. The question before the committee is, Shall the decision of the Chair sustaining the point of order on the substitute stand as the judgment of the committee?

The question was taken; and the Chairman announced that the "noes" seemed to have it.

Mr. HOLMAN. Division.

The committee divided; and there were—ayes 78, noes 69.

Accordingly the decision of the Chair stood as the judgment of the committee.

Mr. WALTER I. HAYES. I offer the amendment which I send to the desk.

The amendment was read, as follows:

Amend by adding after line 8, page 8:

"For clerks to Representatives who are not chairmen of committees having a clerk, at \$3 per day during the session, such sum as may be necessary for that purpose, which is hereby appropriated out of any money in the Treasury not otherwise appropriated."

Mr. KERR, of Iowa, and Mr. HOLMAN. I make the point of order that that is new legislation.

Mr. BIGGS. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BIGGS. I want to know whether amendments are now in order. The gentleman from Iowa [Mr. WALTER I. HAYES] has sent up so many that I feel bound to ask that question.

The CHAIRMAN. The gentleman can offer an amendment to this amendment if he sees fit.

Mr. BIGGS. I have an amendment that I want to offer as a substitute for the whole matter, and I propose to speak to it.

The CHAIRMAN. The gentleman from California [Mr. BIGGS] offers an amendment to the amendment.

Mr. KERR, of Iowa. Mr. Chairman, that can not be done while the point of order is pending.

The CHAIRMAN. If the gentleman from California will wait the Chair will recognize him.

Mr. BIGGS. I will wait until the point of order is decided if I can be recognized then.

The CHAIRMAN. The gentleman from Iowa [Mr. KERR] and the gentleman from Indiana [Mr. HOLMAN] make the point of order upon the amendment offered by the gentleman from Iowa [Mr. WALTER I. HAYES], and as it is identical with the one which was overruled by the committee awhile ago, the Chair overrules the point of order in obedience to the expressed will of the committee.

Mr. BIGGS. I want to be recognized whenever the discussion of that question is in order.

Mr. HOLMAN. I respectfully appeal from that decision.

Mr. BIGGS. Now, Mr. Chairman, I want to offer my amendment.

Mr. DOCKERY. Mr. Chairman, let us have order in the Hall, and will the Chair please state the parliamentary status, so that we may understand it?

The CHAIRMAN. The gentleman from Iowa [Mr. WALTER I. HAYES] virtually renews his former amendment, upon which the point of order is raised by the gentleman from Iowa and the gentleman from Indiana that it is new legislation. The committee passed upon the same question before and decided that the point of order was not well taken.

Mr. ANDERSON, of Kansas. Is not the Chair mistaken about that?

The CHAIRMAN. It was the same amendment.

Mr. ANDERSON, of Kansas. Let me call the attention of the Chair to one point. I think there has been no conclusive action upon this point, for the reason that before it was finally determined—

The CHAIRMAN (interposing). The Chair has held this point of order not well taken, following the decision of the committee on the previous occasion, and now the gentleman from Indiana [Mr. HOLMAN] appeals from the decision of the Chair.

Mr. PERKINS. I desire to correct the Chair if I can. The point of order was made by the gentleman from Iowa [Mr. KERR] and the point of order was sustained by the Chair; from that decision an appeal was taken and the committee sustained the decision.

The CHAIRMAN. That was on the substitute.

Mr. PERKINS. But this embraces the same proposition as the substitute.

The CHAIRMAN. The Chair is inclined to follow the decision of the committee and has so stated. The gentleman from Indiana [Mr. HOLMAN] now appeals from the decision of the Chair.

Mr. MCCOMAS. Will the committee have an opportunity of hearing the amendment which the Chair says he has decided to be in order?

The CHAIRMAN. Unless there be objection, the Clerk will again read the amendment.

The amendment was again read.

Mr. BIGGS. Now, Mr. Chairman, I send up my substitute, and I wish to have it read.

The CHAIRMAN. The question is on the appeal.

Mr. KERR, of Iowa. Mr. Chairman— [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the appeal.

Mr. OUTHWAITE. I move to lay the appeal on the table.

Several MEMBERS. I second the motion.

The CHAIRMAN. The motion of the gentleman from Ohio [Mr. OUTHWAITE] can not be entertained.

Mr. WALTER I. HAYES. I rise to a parliamentary inquiry. The committee having already passed upon this question, is it in order to reraise the question at every stage of the proceedings and have an appeal upon the same proposition upon each restatement of it?

The CHAIRMAN. The Chair is of opinion that gentlemen had the right to raise the point of order. The question is, Shall the decision of the Chair overruling the point of order stand as the judgment of the committee?

Mr. BUTTERWORTH. The Committee of the Whole is in a most singular and paradoxical position in regard to this matter. In my humble judgment this proposition does not differ from the other; there is no substantial difference at all. The other simply made a provision for applying the fund; it went a little more into detail. But as to the present proposition the point of order was overruled, while as to the other proposition subsequently offered, a proposition "on all fours" with this, differing from it not at all in substance so far as the rules of the House are concerned, the Committee of the Whole immediately reversed its action, and held that the second proposition was out of order. Now, I understand the original proposition is submitted again in precisely the same form.

Mr. WALTER I. HAYES. It is the same proposition which the Committee of the Whole sustained by overruling the point of order.

The CHAIRMAN. The original proposition is again submitted.

Mr. ANDERSON, of Kansas. I rise to a parliamentary inquiry. I wish to know what the decision of the Chair is—whether the Chair holds that this amendment is in order or out of order, so that I may be able to vote intelligently on sustaining the decision of the Chair?

The CHAIRMAN. The Chair held that the amendment is in order, following in this respect the manifest will of the committee as shown by its former vote. The question now is, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. KERR, of Iowa. I tried to get the attention of the Chair— [Cries of "Vote!" "Vote!"]

Mr. BIGGS. I rise to a question of order. I want gentlemen to show some respect to those who are opposing this matter.

Mr. KERR, of Iowa. Did not the proposition which the Committee of the Whole voted to be out of order, sustaining the decision of the Chair, cover identically the same ground as this? In either case the appropriation does not apply until the next Congress.

The CHAIRMAN. The question is, "Shall the decision of the Chair stand as the judgment of the Committee?" [The question having been put.] The noes appear to have it.

Mr. WALTER I. HAYES. I call for a division.

The committee again divided; and there were—ayes 92, noes 75.

Mr. HOLMAN and Mr. ANDERSON, of Kansas, called for tellers. Tellers were ordered; and Mr. BUTTERWORTH and Mr. HOLMAN were appointed.

The committee again divided; and the tellers reported—ayes 93, noes 77.

So the decision of the Chair was sustained. [Applause.]

The CHAIRMAN. The question is now on the adoption of the amendment of the gentleman from Iowa, which the Clerk will again read.

The Clerk read as follows:

Amend by adding after line 8, page 8, the following:

"For clerks to Representatives who are not chairmen of committees having a clerk, at \$6 per day during the session, such sum as may be necessary for that purpose, which is hereby appropriated out of any money in the Treasury not otherwise appropriated."

Mr. BUTTERWORTH. I understand that this amendment is before the committee.

The CHAIRMAN (Mr. PAYSON having taken the chair). The question is upon agreeing to this amendment.

Mr. BUTTERWORTH. I want to say a single word. This amendment does not define the number of clerks or the amount to be appropriated. The other amendment offered by the gentleman from Iowa was more specific with reference to what was to be done and the manner of doing it. This amendment proposes an appropriation for clerks for members, but does not indicate their number or the manner of their appointment. In other words, the amendment as proposed, I will say to my friend, is inadequate. If these clerks ought to be provided, let us vote them like men; let those who want them stand up and say "ay." But this amendment is in nowise perfect.

If it is to be adopted it ought to be perfected. I favor an appropriation for a clerk for each Congressman; but if an amendment which properly accomplishes the purpose, which provides for the appointment of these clerks and conforms to the usual requirements in such a case, is not in order, I am unable to see why one that is not thus definite and correct in form is in order. And I am as little able to see why the Committee of the Whole should adopt it.

Mr. WALTER I. HAYES. The gentleman will permit me to say that this amendment as first offered by me was drawn very hastily.

Mr. BUTTERWORTH. I am perfectly aware that it was hastily and crudely drawn; it does not and can not carry out the object.

Mr. HOOKER. Will the gentleman from Ohio allow me a question?

Mr. BUTTERWORTH. Yes, sir.

Mr. HOOKER. If the objection made by the gentleman to the amendment offered by the gentleman from Iowa is good, why is it not good against the paragraph of the gentleman's own bill, which simply provides "for thirty clerks to Senators who are not chairmen of committees, at \$6 per day each, during the session, \$38,340? There is no definition made there as to how these clerks shall be appointed or anything of that kind.

Mr. BUTTERWORTH. I will tell the gentleman—

Mr. WALTER I. HAYES. Will the gentleman yield for an interruption?

The CHAIRMAN. The Chair desires to state that the rule is very explicit that members must first address the Chair before being permitted to interrupt a member occupying the floor. No member can be interrupted in the course of his remarks without his own consent.

Mr. BUTTERWORTH. Then, Mr. Chairman, I desire to answer one question at a time.

My friend must observe the difference. In the section here presented the number is fixed at thirty, and the amount to be paid is inserted. In the amendment pending no number is fixed, nor is the manner of appointing specified, so that the question is indefinite and incomplete. The rules of the Senate themselves provide the manner of appointment.

Mr. HOOKER. I beg the gentleman's pardon; the amount is specified in the amendment of the gentleman from Iowa.

Mr. BUTTERWORTH. My friend is in error. The number is not specified, nor the manner of appointment. I only suggest that the committee discharge the business committed to it in a proper way. If we are going to do this thing, let it be done right. I want gentlemen, when they make this amendment to the bill, to insert the manner in which these clerks are to be appointed, the number who shall be appointed, and the compensation they shall receive; not to leave ourselves subject to criticism as having done our work in a slipshod way.

Mr. BLOUNT. I rise to a parliamentary inquiry, which I would not address to the Chair except for the recent occurrences in the committee.

The CHAIRMAN. The gentleman will state his parliamentary question.

Mr. BLOUNT. Whether, in the opinion of the Chair, it is in order to offer an amendment to perfect the text of the amendment of the gentleman from Iowa now pending?

The CHAIRMAN. The Chair would state that the amendment proposed by the gentleman from Iowa having been decided to be in order by a vote of the committee, it is in order to perfect the amendment under the rules of the House.

Mr. HOOKER. Now, I hope the gentleman from Ohio, who is so much in favor of this proposition, will offer the necessary amendments.

Mr. BUTTERWORTH. Well, my friend from Mississippi is probably more interested in the outcome of this than I am. [Laughter.] Suppose he offer his own amendments.

Mr. TILLMAN. Mr. Chairman, the effort now being made, and which has been made in several preceding Congresses, to provide members a clerk is only another manifestation of the evils and vices which have grown out of a plethoric Treasury. Here is a proposition to create about three hundred new offices, at the compensation of \$6 per day, or

three times as much as any well-equipped man can get in any private business unless he be an expert.

I say \$8 a day, because that is the pay a Senator's clerk gets, and no self-respecting Representative on this floor ought to be willing to acknowledge the inferiority of his services as a lawmaker when compared with those of a Senator.

It certainly would be an acknowledgment of inferiority for a Representative and his clerk to draw less pay than a Senator and his clerk get. I am not aware that the popular branch of a single State Legislature in the Union or the lower house of a single municipal council of any great metropolis in the country gets less pay or perquisites than the "upper house," and this House ought to assert its equality.

In this connection I also take leave to say that I am not aware and that I do not believe official clerks with a public salary are provided for members of any lawmaking body of any free government in the world.

Mr. Chairman, the nature and purpose of this amendment puts its friends in a dilemma. Either it is an indirect method to increase our pay and perpetrate another salary grab, or it is an acknowledgment that we need twice as many members as we now have on the floor of the House to discharge the duties of Representatives of the people, and twice as many Senators as are in the other end of the Capitol.

Now, I for one think that there is a crying need of additional representation on the floor of the House, to have, as it were, a little mass-meeting of the people's chosen agents here to counteract the power and the concentrated efforts of the trusts, capitalists, and the moneyed classes of the country.

Mr. Chairman, the duties of members of the House, as I well know, are very onerous, paternal, and demagogic; made so largely by the tons and train loads of useless documents that we publish and have to frank, and by the train loads of generally worthless seeds that we have to distribute in competition with the seed merchants of the country, as well as by the heavy correspondence and fatiguing errands incident to the thousands of unjust and fraudulent pensions that have been granted. The labors of the national representatives are pretty well over, I hope, as regards pensions, since Congress and the easy-going administration have about bankrupted the Treasury in pensioning tens of thousands of men, and women too, who should never have had a pension. Hence I say, let us turn from our paternal and demagogic ways, stop our worthless and expensive mass of printing, and quit competition with the seed dealers of the country, and our burdens will be lightened so that we can attend to our legitimate business without being overworked.

I repeat, sir, that the demand for a clerk for Senators and Representatives is either an indirect proposal to increase the pay of members or it is a manifestation of a want, a want that is unquestionable, and is being felt generally among reflecting men; and that want, I insist, is more representative upon the floor of both Houses of Congress as well as in all the lawmaking bodies of the country—State Legislatures, city councils, etc.

Mr. Chairman, delegated power should never be redelegated. Let each member here have a clerk to answer his correspondence and perform his errands to the Departments, and that clerk will not only learn to do the administrative duty of the member by going to the Departments for him, but it will end in the clerk too often writing his speeches, which will be read here in manuscript, and the CONGRESSIONAL RECORD will be filled with essays in place of honest debate, and as a consequence the pecuniary interests and liberties of the people will suffer.

Instead of two Senators and two clerks, there ought to be six Senators and no clerks for each State at the other end of the Capitol. And instead of one Representative and one clerk, there should be two Representatives and no clerks for each Congressional district.

Senators and Representatives ought to be kept in close contact and direct communication with the people, and members of both Houses should be compelled to frequently visit in person, more or less, every Executive Department, to become familiar with the practical working of the administration of the laws which Congress has to amend or repeal. That can not be well done by deputy, to say nothing of the expense and shirking of responsibility.

But fortunately, at last the taxpayers of the country are waking up to their true condition, or at least it is so south of the Potomac and west of the Ohio, and they are going to meet the tax eaters in the next Congress and at the next election.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TILLMAN. I am very sorry.

Mr. WALTER I. HAYES. Mr. Chairman, I desire to state, in regard to the form of this particular amendment, that it was drawn hastily, not expecting this question to come up at this time; but it was immediately followed by an amendment which carries out the ideas and suggestions of the gentleman from Ohio; that is, putting it in the shape which will make it effective to carry out what is designed. But by reason of the muddle we got into we had to go back to the original proposition.

Still, I do not want it to be understood that this is the end of the idea I have suggested, or that it is not my purpose to try to carry it

forward. I am perfectly willing to amend it and perfect it, and desire to do so. The bill I offered as an amendment formerly met the point suggested by the gentleman from Ohio; but by reason of the vote we had it did not get before the committee.

Now, so far as any question is concerned about the Senate rules providing for the manner of appointment of their clerks, or any matter of that kind, of course that is not a thing to be contended about here. That can be provided for in the rules of the next House; and with this legislation doubtless it would be provided for even if it is not in good shape now and not perfected. But I am in favor of any amendment that will go to the perfecting of this idea.

I am in favor of clerks for members, and at some time in the discussion on this bill, not particularly now, I wish to be heard upon the question, simply desiring to state now that I did not offer this amendment as anything in the nature of an ultimatum or a final conclusion, but that I have no objection whatever to this matter being perfected. I withdraw the formal amendment.

Mr. BOOTHMAN. Mr. Chairman, it is not too much to say of the measure under consideration that it is one the necessity of which has for a number of years been apparent to every man occupying a seat in this House. Indeed, it may be truthfully said that the sole reason why it has not long since been enacted into law is that the members of the House of Representatives have hesitated about taking that step because they have feared that its absolute necessity might not be appreciated by the country, and they in consequence would be charged with unfaithfulness as public servants.

I unhesitatingly aver that were this apprehension absent no man on the floor of the House would dispute the wisdom of the measure. I hope to be able to place the matter in such light before I shall close that all men who will weigh the reasons for the action will not only not condemn, but will approve the measure as one in the interests of real economy and of sound and wholesome legislation.

I admit that a wasteful extravagance is always to be condemned, whether in the individual or in a body of legislators. I admit further, that the man who accepts a public office and then shirks the labor lawfully required of him should not only be condemned, but should be relegated to private life without ceremony.

I place my advocacy of this measure upon the ground not that it is to contribute to the ease of members, so that they may enjoy office without discharging its duties, but that it may make them effective in the discharge of those duties; that the country may be more wisely served, and their constituency more highly honored because they have sent them here.

If the bill can not be defended on these grounds it ought to be voted down. If, on the other hand, its wisdom is firmly established upon any and all of these considerations, then it becomes the duty of members to support it.

A Representative in Congress agrees with the people when he is elected to perform certain specified duties—the duties imposed upon him by the Constitution and the laws of the Republic. In pursuance of this agreement he pledges to the people that whatever of wisdom he possesses, whatever of physical strength, whatever of honesty of purpose and probity of character he may have or can cultivate shall be devoted to furthering their interests and the welfare of our common country. It is not too much to say that no man comes here who by virtue of his election does not feel the weight of this compact with the people whose votes seat him in this Hall and whose servant he is. Nor is it true that the men thus elected expect to find the office a mere sinecure. No man comes here expecting to find his office unaccompanied by the cares and responsibilities which surround officeholding. No man comes here for the purpose of getting wealthy by reason of the emoluments derived legitimately from his office. I venture to say that of all the men filling the three hundred and thirty chairs in this Hall there is not one of them who has not made business sacrifices in order to accept the position.

The honor attached to the office, the opportunity of carving out a place for his name in the history of his country, the coveted prize of human fame, of honorable mention while living and grateful remembrance by the nation after life is over, all combine to turn the wishes of the intelligent and patriotic American to a seat in this Hall. When he reaches here he determines within himself to live and act not for self but for the country. He feels the weight and the responsibility of his place, and, sir, it does not alone require the solemn obligation of his oath of office to invest a member of this House with a due sense of his grave duty as a member of Congress. I would not give much for the binding force of the oath if it were not accompanied by the loyal and determined resolution to be true to its spirit as well as its letter.

No intelligent man will dispute the proposition that it requires the highest degree of moral courage, the strictest sense of integrity, the most substantial cultivation of the powers of mind, and the firmest tenacity of purpose to render men effective and powerful upon the floor of this House. And, sir, the people who elect them expect these things of them; expect them to be powerful and effective here. Why is it that that expectation is in too many instances doomed—foredoomed—to prove a humiliating disappointment? It is largely because there has grown up around the office of Representative in Congress a series of demands

from individuals, which so engross the time and labor of the member that it is an absolute impossibility for him to accede to their requests and have any considerable time left in which to study and perfect himself in regard to public measures and matters of legislation.

Do you then say, Let the member refuse to grant these requests; let him turn to the discharge of the legitimate duties of his office, and ignore those which custom has thus forced upon them? But, sir, these extraneous matters come from the people whose votes seat the member in this House. They do not stop to consider that in thus preferring their requests to their Representative they are seriously interfering with his usefulness as a legislator and with the discharge of his duty to the body of the people as a whole, and the custom is one of so long standing, that the inquiry should be how to enable the member to do the things thus forced upon him rather than to attempt to change the current of the common wish regarding them; for in the aggregate they are matters which affect the welfare of a large number of individual citizens who do not reside here, who are too poor to come here to attend to them in person, and which they do not feel like intrusting to a stranger. This measure is one calculated to respond to the necessities of the situation, not by ignoring, but by granting the personal requests of constituents, and at the same time preserving to the body of the people the usefulness of the Representative.

I have said, sir, that this measure is one of absolute necessity. Permit me to demonstrate it—and let it be borne in mind that the bill proposes to give this clerical assistance to members during the sessions of Congress only. Furthermore, let it be remembered that it adds not one cent to the emoluments of any member; the proposed clerk receives pay only for the time he is actually employed. That time is limited to the sessions of the House. Speaking for myself, I think that experience will demonstrate the wisdom of making the clerk annual; for there are but few questions of government that do not require months, if not years, of study.

If the member during the recess could devote his time to such study, instead of having it engrossed by the numberless trivial matters which consume it, without benefiting anybody or anything, and compel him to spend his hours in mere letter writing, he would find himself better prepared a thousandfold for the active work of the session. I may be pardoned here for a statement of personal experience as an illustration. In March, 1889, I proceeded to my home in Ohio fully determined to more thoroughly and carefully study the rules of the House and to render myself familiar, in connection therewith, with the "general parliamentary law" of this country, a subject of some importance, I take it, in view of subsequent occurrences in the House. I found but little time, indeed, which I could devote to that purpose.

My time was almost constantly taken up with matters any ordinary clerk might easily perform; and when the summer was gone I had studied just enough parliamentary law to confuse the little knowledge I previously had of that somewhat complicated but necessary branch of legislative procedure. However, this bill is a step toward the correction of a real and substantial evil and has my hearty and unqualified support.

Now, sir, under the laws and Constitution of the United States and the methods necessarily adopted for the transaction of the business of legislation, a member of this House, if he would properly discharge his duty as a legislator, finds the following demands rightfully and lawfully made upon his time and energies:

First. He must serve upon the committees of the House to which he is assigned. He should be prompt and punctual in his attendance. It is safe to say that this duty will require, on the average, at least one full day's time in the aggregate for each week. In many cases it is much more than this, especially on the more important committees. He must prepare and submit to the House reports upon such measures as may by the committee or committees of which he is a member be intrusted to his care for that purpose.

This constitutes no inconsiderable burden upon his time, as every member can well attest. For when a member, as most of them do, finds himself placed upon two or even three committees he becomes aware of the fact very soon that the business part of legislation, the drudgery of preparing measures and reports for consideration and discussion by the House, is a very great tax upon his time and energy. Again, the member finds that frequently his committees must hold special meetings in order to give parties desiring to be heard upon measures pending before them an opportunity of being present and discussing such measures. All these committee meetings must be held while the House is not in session, unless leave is granted to the contrary; and it may well be considered a question whether such leave, except in very pressing and urgent cases, should be given, for the business of the country here on the floor is quite as important and as imperative in demanding the presence of the member as it can be in a committee meeting.

Again, members of this House, almost without exception, have numerous measures which they have introduced affecting the people of their own districts in a special manner, as well as the whole country, pending before committees of which they are not members. These they must push to a hearing, and this adds very greatly to their work and consumes much of their time; and, sir, a Representative who neg-

lects such work certainly would be considered derelict in the discharge of one of the first and most important of his duties.

Second. It is of the highest importance that members should attend the sessions of the House, and not only attend, but participate in the work of legislation here going on. These sessions will average, for the whole time a Congress sits, at least six hours per day. I believe this estimate to be under rather than over the mark. For scarcely a session passes that we do not have many night sessions, sometimes extending through the whole night.

Members are well aware, as is the country, that during the long session of the Fiftieth Congress, while the tariff discussion was proceeding, the regular daily sitting of the House was from 11.30 a. m. to 5.30 p. m., and from 8 p. m. to 10.30 p. m. That discussion covered a period of time from the beginning of April to the 21st of July, when the final vote was taken, or eight and a half hours of daily sessions for a period of nearly four months.

Again, that the member must draught, introduce, and press to hearing before the House such measures as specially interest his constituency, or which are of value to the whole country, goes without saying. If he finds this a burdensome task in committee, with tenfold more force does it strike him when the measure he advocates has passed the committee stage of its existence and appears in the House. All the skill of the debater, all the legal lore of the jurist, all the acumen and learning of the business man, and above all the wisdom and integrity of the statesman and of the patriot are here required of him.

Now, that he may be effective here in the advocacy of measures which he believes in, and which his judgment says ought to become laws, as well as in his opposition to those which he believes ought not to pass, it is of the first importance, both for the country and for his own standing, that he shall have had time to consider and weigh the reasons for or against the passage of pending measures. He can not do this upon the spur of the moment and be effective or thorough. He must have time to study, time to reflect, and time to digest his thoughts, and thus formulate his opinions in such way as to carry conviction to the mind.

This opportunity for study and reflection can only be had by taking advantage of the time when the House is not in session, and when he is not obliged to be in attendance at committee meetings. This requires that he should read the bills favorably reported by committees, and that he shall examine and study the reports, and the reasons urged for the passage of bills. As I have shown, forty-two hours of each week was already consumed by committee meetings and sessions of the House. If he could have the remaining eighteen hours (which would make sixty hours of work each week, or ten hours per day, of mental labor) he might be able to stand here armed measurably for the duties his office legitimately requires of him. He might then make himself familiar with the work on the Calendars of the House, and the order in which it may properly come up for hearing. He might become expert in the rules that give measures a right to be finally heard. He might be prepared to effectively discuss them and intelligently vote upon them.

But, sir, what is the fact? How much time does he get for such purposes? He finds his mail, seven days in the week, consists of from thirty to forty, and in many cases as high as fifty or more letters per day, in the main relating to business in the Departments, which concern only the interests of the writers as individuals, and which have no relation to the work of legislation. He finds documents to frank and send out, seeds to distribute, visits to make to the Pension Office, to the Agricultural Department, to the War Department, to the State Department, to the Navy Department, the Land Department, to the Patent Office, and a thousand and one similar matters, which more than consume one-half of his time, and which any ordinary clerk could perform just as well and effectively as he can. The result is that under the present system the member answers these letters, he makes the visits, he attends to these trivial and comparatively unimportant matters first because they are pressing upon him like the all-enveloping air. He neglects, because he is compelled to neglect, the important duties I have referred to. And while the individual citizen is served, the work that affects the nation and large bodies of the people goes undone, or so hastily and crudely done as to invite extravagance and waste.

Why, sir, look at the facts. There were draughted and introduced into the House and Senate during the Fiftieth Congress 15,612 bills and joint resolutions, of which 981 passed both Houses and became laws, while 14,631 failed to receive any action. Of those that passed there were among them bills carrying appropriations amounting to many hundreds of millions of dollars. I ask how many of the members in that Congress even read through the bills that thus became laws? How many read the accompanying reports? How many who voted upon these measures knew, except in a general way, the specific things passed upon?

Outside of the committees formulating these measures I am certain that not one-fourth of the members of that Congress knew definitely what was contained in the bills they passed. And it was not because they did not work, and work more hours and more industriously than they ever worked in any other portion of their lives. I know that I am not

overstating the fact when I say that members then and now put in more hours of work each day than does any other laboring man in the land, I care not what his occupation may be.

The work in committees upon bills favorably reported is done by men just as overburdened as are the men who pass upon the bills when they reach this House for consideration. It must perforce be hastily and comparatively crudely done; but when it reaches the House members not on the committee presenting it say, "Oh, well, the committee has reported so and so, we will take their word for it," and the measure goes through.

The whole system results in crude and hasty consideration in committee, more crude and hasty consideration in the House, and can not but result, as it too frequently does, in a wasteful, extravagant, and unwise use of the power of legislation.

Again, members are frequently required, in addition to the other work I have shown is lawfully imposed upon them, to act upon special committees, appointed to investigate questions not usually arising in the ordinary course of legislation. These questions are such as generally require and receive prompt action, and they serve to swell the volume of legal duties they must perform.

Is it any wonder that members thus loaded down with work fall in the harness and many a bright intellect goes out and many a useful life is sacrificed in the attempt to perform this mountain of labor he finds pressing upon him? Sir, if the days were forty-eight hours in length and the capacity of the physical man doubled, still the time would be too short and human endurance too frail to compass the task. No wonder members fall here when exhausted nature refuses to bear these enormous tasks placed upon her.

In the Fiftieth Congress we have witnessed the results of overwork. We saw the able and accomplished gentleman from Missouri, Mr. Burnes, fall in his place on this floor stricken to the death because he faithfully attempted to do more than a physique almost herculean in strength could properly bear. He was followed in a few short months by the genial, courteous, and able gentleman from New York, Mr. Cox, whose presence in this Hall was like a ray of the glorious sunshine of heaven that typified his name. And as to him, the verdict must be "worked to death, involuntary suicide"—because his frail form could not stand the macerating blows of overwork in the public service. We miss his presence here. Our memories cling to the recollection of how his genius and wit enlivened and illustrated the daily routine of the daily grind here imposed upon him and his associates.

I tell you, gentlemen, that one such life lost to the Republic can not be compensated by any means within our power. It is of more value than the cost of a thousand such measures as the one under consideration. But, sir, the clouds were scarcely settled upon his grave until his colleague, Mr. Nutting, another able and brilliant member of this House, a man strong in intellect and of a most blameless life, was called to follow him. Another victim to overwork. And then in rapid succession followed the deaths of the hard-working, energetic, and useful member from Illinois, Mr. Townshend; the industrious Representative from Louisiana, Mr. Gay; the strong, robust, and capable member from Nebraska, Mr. Laird, my own classmate; and then that of the old-time leader, the man with a fame world wide, the incorruptible and uncorrupted gentleman from Pennsylvania, Mr. Kelley, the father of the House, soon followed by his associate, Mr. Randall, equally famous, able, renowned, and incorruptible, who lies in his grave to-day as the result of the infirmities an overworked nature in the service of this House visited upon his physical being.

I tell you, sir, the American nation does not demand the continuance of these sacrifices, which leave them, by an incalculable amount, the loser by the demise of such gifted men. Let the nation but once understand the real nature of the evil; let them see how necessary it is that something be done, and be done at once, to remedy the situation, and they will make no complaint against men who favor this bill. I am not afraid to meet the people upon this issue. I have infinite faith in the good hard sense of the average American citizen. I know that he does not intend to require impossibilities of any public servant; that he wants the work of legislation done well and wisely; that to effect this he is willing to furnish all needed means; that when these are furnished he has a right to expect good results, and will get them.

Sir, I have met the people upon this issue. In the Fiftieth Congress I advocated and voted for a similar measure. It was used by my political opponents as a principal argument why I should be defeated at the election in November, 1888. I said to the citizens of my district, when I was upon the stump—and I spoke at thirty-seven largely attended meetings—that I had advocated and voted for the measure, and if returned would do so again upon the very first opportunity, and they returned me, although Mr. Cleveland carried the district by nearly 900 plurality. I do not speak of this boastfully, but simply to illustrate how the measure, when explained, strikes the mind of the average voter.

It may be urged that the expense of clerks should be borne by the members themselves. I deny it, sir. No good reason can be given why it should be, while many and most important reasons can be given why this burden should not be imposed upon them. The work is for the constituency, not the private work of the member. The consti-

uency then should bear it. The work is extra labor, made necessary by the constituency themselves, and not required of the member by law, by the Constitution, or by his oath of office, and no reason, good either in morals, law, or expediency, can be urged which will overturn this plain statement of the case.

Again, when the cost of living and other legitimate expenses are taken into account, the large proportion of the members of this House are not able to bear this added burden; and, sir, should it continue, the time is not far distant when no poor man can afford to accept a seat in the American Congress.

Members know that this statement is no exaggeration. What, then, is the plain duty in this matter? It is to do that which common sense and the necessities of the case clearly require, namely: pass this bill. I have said, sir, that I would demonstrate its absolute necessity. I now invoke the deliberate judgment of the House upon what I have stated in its support, feeling assured that the measure is one which ought to pass, and one which can be defended upon every consideration of public policy and sound statesmanship.

Mr. BUTTERWORTH. Mr. Chairman, I rise for the purpose of moving to limit debate.

Mr. JOSEPH D. TAYLOR. I wish to offer an amendment.

Mr. HOLMAN. I hope the House will not adopt this amendment.

Mr. BOATNER. Will the gentleman yield to permit me to offer an amendment to be considered as pending?

Mr. HOLMAN. You will have the opportunity afterward. I do not wish to yield any of my time.

I hope the House will not adopt this amendment. Gentlemen misapprehend public opinion, notwithstanding the remarks of the gentleman from Ohio [Mr. BOOTHMAN], if they believe that our people are in favor of an enormous increase in the number of employes of this Government. There are three unanswerable arguments against the measure.

The first is that you are simply creating a mob of public employes to jostle each other in your lobby to the inconvenience of the public business.

In the second place you are adopting a policy, the effect of which is already being felt in your Senate, of employing clerks to visit the Departments and ascertain the condition of public business in the Departments instead of doing it through the Representatives of the people. I must say that the public interests demand—

Mr. OATES. Will the gentleman allow me to ask him a question?

Mr. HOLMAN. I have only five minutes. I say the interests of the public demand that the Representatives visit the various Departments personally and become familiar with the workings of those Departments.

Mr. OATES. How much complaint have you ever heard against any Senator for voting for clerks?

Mr. HOLMAN. They are not elected by the people. When that good time comes, which is coming rapidly, when they will be elected by the people, you will hear the tone of public sentiment upon the subject.

But finally and lastly, gentlemen, can you with honor favor this proposition? It applies not to the Fifty-first Congress, but to the Congress which has just been elected. Can we afford, gentlemen, by a deliberate vote of our own, to increase our salary in this indirect way? Has it ever been done without being followed promptly and sharply by an indignant public protest? It never has been and never will be. This is an addition of a thousand or \$1,200 a year to our present salary. I submit again, can we consistently with our sense of public duty after being elected to the next Congress, can we with honor deliberately vote to increase our salaries in this way? I do not think we can do it. Now I will yield to my friend.

Mr. OATES. Does the gentleman say there was ever any indignation expressed by the people when the salaries of members were increased several times up to the time of the salary grab in 1874?

Mr. HOLMAN. Yes, let me answer that.

Mr. OATES. I have not finished my question.

Mr. HOLMAN. In 1816, when the salaries were changed from \$6 a day to \$1,500 a year, the indignation was even more fierce than it was in 1874 over what has been called the salary grab; and I believe that Henry Clay was one of the few men who was returned to the succeeding Congress.

Mr. OATES. Was not the great objection to that that it gave them back pay, which was wrong?

Mr. HOLMAN. That was the last measure. I am speaking of the earlier measure. There was no public indignation displayed when the salaries were increased from \$3,000 up to \$5,000 a year, because it occurred in a disturbed period, an unsettled condition of our country, just after the war. Public attention was directed entirely to the restoration of our Union, so that a measure of that kind would more easily escape public observation.

And over and over again, when any increase has occurred, even when it only applied to the future, there has been loud outbursts of public indignation. We can not afford to do this. We can not afford to do it consistently, I think, with our sense of public duty. Its effect is to increase our salaries. If you make this operate in the Fifty-third Con-

gress it would be different. But when we propose to increase the salaries of members of Congress it would be more creditable to do it directly, and have it to operate at a time remote from the time when it was enacted. But to do it for a Congress already elected is a thing we can not do without violating our public duties.

Mr. McCOMAS. Mr. Chairman, this amendment—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. McCOMAS. I move to strike out the last word.

This amendment provides a proposition which I have voted against for four Congresses. There is much that can be said on both sides of it; but I now call the attention of the gentlemen who make it to the fact that they ought to put it into shape frankly and boldly. It should not be put on an appropriation bill.

If it is just and proper, we ought to put in this bill an amendment providing \$351,540 for the seven months, the life of this appropriation bill in the next session of Congress; and then, if the session be as long as the last two long sessions, we should contemplate as inevitable an expenditure of more than half a million dollars here for aids in the way of clerks to members. Further than that, we should provide a large room somewhere where these clerks may be huddled or corralled [laughter]; for if they are permitted to come on the floor of the House you may be providing admission to hundreds of lobbyists, who may thus covertly seek from inexperienced members employment as clerks. They will get admission to this floor, jump on your desks, and sit like toads croaking in the ears of members on every important proposition. Therefore you ought to get a room somewhere, because they will infest the committee rooms; and so there ought to be a provision which would require a second addition to this House. There are, or will be, 335 members in the House, and there will be 56 committee clerks. Deduct the 56 members who will have clerks as chairmen of committees, and that leaves 279 members with 279 clerks outside of the committee clerks.

Now you ought to have perhaps another public building, wherein these clerks might meet, and by telephone communicate with the members. Mr. Chairman, it seems to me, further than that, this question should come up fairly, and if the gentlemen who have been giving this measure their support want these clerks they should openly ask for them. They should proclaim their wish, and not put it onto many of us who are going out of this House. They should do it frankly and openly as a proposition by itself, and not as a rider upon an appropriation bill by a dubious or illegal ruling; and if they choose to do it after full deliberation, then they may take the responsibility.

But what is to be said by those gentlemen going home and back among the farmers to live, and going there at a time when the frost is upon the pumpkins and the corn in the shock. You will find the Farmers' Alliances telling some of your brethren that they want the salaries of members decreased one-half; but then the salaries will have been increased by adding clerks. There is much to be said in favor of having clerks. You gentlemen will say that you did not do it, but that it was the "naughty Republican outs" who forced these clerks down your throats, and say that those who wore shoes and socks had forced them down the throats of those who did not wear socks.

Therefore I think that this Republican House ought to let those gentlemen take charge of that responsibility. We do not want to thrust it down the throats of the gentlemen, and then for them to say that they did not want the clerks, but the Republicans in their mad extravagance, having been "turned down," turned the clerks upon them, and they had to take them to keep the peace. We do not want them to be able to say that they did not like to be disrespectful to the House of Representatives in giving them, and so they had to take them.

Now, Mr. Chairman, before the rules are made on the first day of the next session, if gentlemen want to do this in an open, frank, and manly way, they should do it then, and let them take the odium of it; and I appeal to my Republican colleagues that we should not take upon ourselves the odium of this transaction and be held up to the country for extravagance in public expenditures. [Applause on the Republican side.]

Mr. BUCKALEW. Mr. Chairman, as I suppose a vote to be placed upon record will be taken before this subject is disposed of in case the committee vote in favor of the amendment, I desire in a few words to state my view of this interesting question. I see no objection to the form in which the amendment is proposed. It does not compel the next Congress to employ clerks for its members. It simply provides an appropriation by law, in advance, for the coming session, which is the ordinary and proper mode of appropriating public money, and it leaves the next House unchecked and complete power to employ clerks or not to do it; in one case to use this appropriation, and in the other, if it is seized with those scruples which seem to prevail among some gentlemen here, to decline to use the appropriation.

Therefore the remarks of my friend the very excellent gentleman from Maryland [Mr. McCOMAS] are inapplicable. We are not making a law here which shall bind the future. We are making an appropriation in the usual way, which will put it within the power of the next House, that House accepting the full responsibility of its action, to employ clerks for its members.

Again, sir, I see no force in the remarks of the gentleman from Indi-

ana [Mr. HOLMAN] and in the remarks of some other gentlemen who say that this is an increase in the salary of members, some adding that it is an indirect increase. It is no such thing. It will not increase the pecuniary compensation of members one penny. Their salary is fixed. It provides that, if the judgment of the next House sanctions the measure, necessary assistance shall be rendered to members of the House which is now rendered to members of the Senate, and which is indispensable to the proper transaction of the business imposed upon members of this House.

Mr. TILLMAN. Will the gentleman allow a question?

Mr. BUCKALEW. No, I can not in my limited time. If I had more time I would be very glad to hear the gentleman's question.

Mr. TILLMAN. I wanted to ask the gentleman why it is that the Senators mostly appoint their wives and sons as their clerks.

Mr. BUCKALEW. I have no jurisdiction over the Senate. If the millionaires in the other branch of Congress are acting improperly I trust the gentleman will go over there and give them light and instruction. [Laughter.]

Mr. Chairman, I know from my experience in the last four years in this House, although I represent a district which does not contribute a large amount of miscellaneous business for its Representative, that the average member of this House can not attend to the business that is thrust upon him from his district and at the same time perform his public duties as a member of the House; and so say we all. We all know it. Yet there are gentlemen here, knowing this, who are prepared, I suppose—for members have done it before—there are, I suppose, members who are prepared, when the Journal is to record their votes, to tremble a little in the apprehension that the people at home will censure them and that somebody's vote will be lost. That, sir, is a chimerical fear, which has no weight in it, and which is below the dignity and the honor of members of this House. [Applause.]

Mr. DUNNELL. Mr. Chairman, the trouble with this question comes from the fact that unfortunately the House some years ago allowed the Senators to have clerks, while the members of this body continued to get along without them. In the Forty-seventh Congress the resistance was prolonged, and probably in the Forty-eighth, but finally the House ignominiously yielded and allowed Senators to have clerks, while clerks were denied to the members of the House. By that act we degraded the House. We denied the equality between the two branches of Congress which the Constitution declares shall exist. We surrendered ourselves to the Senate. I have all the time insisted that if Senators were to have clerks the members of the House should have them also, and I so contended in the last session.

I had a little personal experience connected with this subject last summer. An unwashed editor in my district came across the bill introduced by the gentleman from the Davenport, Iowa, district [Mr. WALTER I. HAYES], and struck out the name "HAYES" and inserted the name "DUNNELL." [Laughter.] The bill in that form was sent broadcast over my district, and from the beginning of my campaign to the very close I was compelled to deny its parentage; but it clung to me throughout the entire campaign. My competitor, the gentleman who won in the election, took up the Hayes bill and brought it to the attention of the people, and explained everywhere the enormity of such a proposition. [Laughter.] He was elected by the aid of some 4,000 or 5,000 Alliance men; and therefore I stand here condemned by the Democratic party and by the Alliance men.

Now, my successful competitor will not, I am sure, wish me to vote to force a clerk upon him. [Laughter.] Therefore it would be wholly unkind on my part to vote for this amendment. I want him to come here and participate in voting the provision for clerks for himself and the other members. [Laughter.]

Mr. BOATNER. Mr. Chairman, I desire to offer the amendment which I send to the desk.

Mr. BIGGS. I rise to a parliamentary inquiry. I sent up an amendment some time ago, and I want to know how many amendments can be offered to the original amendment?

The CHAIRMAN. The Chair is unable to state the exact number; as many as members of the committee send up when they are recognized for that purpose.

The amendment of Mr. BOATNER was read, as follows:

Amend the amendment by adding thereto the following words: "Provided, That said clerks shall be appointed by the Representatives or Delegates they are to serve, and their salaries shall be \$100 per month during the sessions of Congress, and they shall be paid in the same manner as other employees of the House."

Mr. BOATNER. I wish to say a few words in reply to the argument made by the gentleman from Indiana [Mr. HOLMAN], who addressed the committee a few minutes ago. He says he does not understand how any Representative can honorably support an amendment which will have the effect of increasing his own salary.

I do not perceive how the gentleman can have any such idea, unless he supposes that members will pocket the money which is to be appropriated to pay their clerks and apply it to their own use. It is utterly ridiculous to say that when this House votes that each member shall be entitled to a clerk to assist him in the discharge of his duties it thereby increases the member's salary. Such a measure is merely pro-

viding the member with the means of properly discharging the duties imposed upon him by law.

Now, with respect to the opposition of the people to this legislation, of which we have heard so much here, it is my opinion that that opposition is created by the action of gentlemen themselves. When members go back among their constituents and stoop to the arts of the demagogue, as a matter of course they can create a good deal of that kind of sentiment.

When I went before my constituents in the last election I informed them of the fact that it is impossible for a member of Congress to discharge properly his legislative duties and at the same time perform the other business expected of him by his constituents; in other words, if he is to go around to the various Departments attending to the business which his constituents demand he should discharge there it is utterly impossible for him to attend to his legislative duties; and *vice versa*, if he discharges properly his legislative duties it is utterly impossible that he can comply with the demands of his constituents in other respects.

I explicitly stated to my people from one end of my district to the other that if I had the opportunity in the then ensuing session of Congress I should vote for the employment of clerks to members that I might have the necessary assistance to properly discharge my duty to them.

Now, Mr. Chairman, there is another question to which I now call the attention of the committee. Under the existing system there is a gross inequality among members in this matter. A great many committees of this House whose chairman have clerks assigned them at \$6 per day do not meet three times during the session.

A MEMBER. Some of them do not meet at all.

Mr. BOATNER. Those clerks are therefore for the service of the chairmen of those committees as stenographers and typewriters; while the fellow-members of those chairmen, equally entitled to that sort of assistance, have to do their own clerical work; are obliged to sit up till 12 or 1 o'clock at night answering letters; and when they come on this floor they are liable to have some gentlemen situated as I have described, some gentlemen who are chairmen of committees, or who expect to be chairmen of committees, taking the high ground that members of this House can not vote themselves the necessary assistance for the discharge of their duties without stultifying themselves. [Applause.]

Now I have this to say to gentlemen who oppose this measure: If it be that in the next House of Representatives we are not to have this assistance, if it be that no clerks are to be appointed for the assistance of members, although we are entitled to them, then I hope that the rule will apply to all members alike, and that instead of clerks being assigned to each of these committees, some of which as I have said meet only a few times a session, we shall have a corps of clerks under the employ of the Chief Clerk, one of whom shall be assigned to committee duty whenever these committees meet, and whenever the chairman actually needs a clerk for the discharge of the business of the committee. In that way I trust that this system of having clerks to attend to the personal business of the chairmen of committees will be broken up. But I believe that this House will, as it ought to do, give to each of its members the clerical assistance which he needs.

[Here the hammer fell.]

Mr. BUTTERWORTH. Mr. Chairman, I trust we shall now have a vote; otherwise I think I must move to close debate.

Mr. BOUTELLE. I would like to say a word.

The CHAIRMAN. The gentleman from Maine [Mr. BOUTELLE] is recognized.

Mr. BUTTERWORTH. I ask unanimous consent that all debate on this amendment be limited to ten minutes. [Cries of "Oh, no."]

Mr. BIGGS. I hope not. The gentleman from Ohio said I should have an opportunity to speak. I want to be heard on this question, and I am going to be heard.

Mr. BUTTERWORTH. I am willing to provide my friend from California [Mr. BIGGS] an opportunity to be heard.

Mr. BIGGS. You have not done it thus far. You have spoken an hour and I have not had one minute. I ask to be heard for five minutes.

The CHAIRMAN. The gentleman from Maine [Mr. BOUTELLE] is recognized.

Mr. BOUTELLE. I will give the gentleman from California a part of my time if the House will be quiet. I want to say only a very few words.

Mr. BUTTERWORTH. I hope my friend from Maine will give way until we can fix a limitation upon debate.

The CHAIRMAN. The gentleman from Maine is entitled to the floor.

Mr. BUTTERWORTH. The gentleman yields, as I understand, that we may agree upon a time to which debate shall be limited.

The CHAIRMAN. Does the gentleman from Maine yield?

Mr. BOUTELLE. There is so much confusion I do not know exactly the position I do occupy.

The CHAIRMAN. The gentleman from Maine is entitled to proceed for five minutes without interruption.

Mr. BOUTELLE. I think I had better use my time now.

The CHAIRMAN. The gentleman will proceed.

Mr. BOUTELLE. Mr. Chairman, in previous sessions I have voted repeatedly for the employment of clerks for members of the House. I have never been troubled with any great degree of odium for having done so. I do not know what the odium in connection with that action arises from or amounts to. If it is simply the odium which may attach to any measure acted upon in Congress by reason of remarks of demagogues, either in the House or out, it is a kind of odium that does not trouble me at all. I never voted for a proposition to employ clerks simply for Democratic Congressmen; I never voted for such a proposition because it would furnish clerks for Republican Congressmen. I voted for it because I believed that members of the House of Representatives need that sort of assistance—

Several MEMBERS. That is right.

Mr. BOUTELLE. And that it would be for the benefit of the people of this country to relieve the members of this legislative body from a kind of drudgery which, as every member in this House knows, largely unfits a man for the proper discharge of his public duties. I am not influenced at all in this matter by what may be the character politically of the next Congress. I am not influenced by what may or may not be done by the next Congress. If the next Congress is going to be a demagogue body, that furnishes no reason why I should commence to be a demagogue in the closing days of this session, and I do not propose to do it. [Applause.]

And so far as this proposition is concerned, sir, if I may speak in all kindness to the gentlemen about to take charge of this institution of our Government, my impression, though prejudiced it may be, but my impression is that never in all the history of this country will there have assembled a House of Representatives more in need of the assistance of competent clerks than the House about to come into control. [Laughter and applause.] And claiming, Mr. Chairman, as I do, to represent something more than a mere partisan here, claiming a certain degree of patriotism in my public endeavors, I am willing to take the responsibility, and whatever condemnation there may be, in forcing upon the other side that measure of intelligent assistance necessary to enable it to respectfully, at least, perform their public duties. [Renewed laughter and applause.]

[Here the hammer fell.]

[Mr. BIGGS withholds his remarks for revision. See Appendix.]

Mr. BUTTERWORTH. Now, Mr. Chairman, I hope we will have a vote, and I move to limit debate on the pending proposition and amendments to three minutes.

Mr. ANDERSON, of Kansas. To that I move an amendment, that the debate be limited to ten minutes on each amendment that may be offered.

Mr. BUTTERWORTH. Oh, if we do that we will not get through before the 4th of March. I move to close debate on the pending proposition and amendments.

The motion was agreed to.

The CHAIRMAN. Amendments are still in order to this proposition, to be decided without debate. Two amendments are pending now, and the only amendments in order will be an amendment by way of substitute for the pending proposition and an amendment thereto.

Mr. ANDERSON, of Kansas. That is, until the amendments pending are voted upon. Afterward other amendments will be in order.

The CHAIRMAN. The amendment of the gentleman from Kansas is not in order at this time. It will be afterward. The question is upon the amendment proposed by the gentleman from Louisiana [Mr. BOATNER], which the Clerk will again report.

The amendment offered by Mr. BOATNER was again read.

The question being taken on the amendment, the Chairman announced that the ayes seemed to have it.

Mr. BIGGS and others demanded a division.

The committee divided; and there were—ayes 80, noes 43.

Mr. ANDERSON, of Kansas. Now, Mr. Chairman, I offer the following amendment.

Mr. BIGGS. Mr. Chairman, I would like to know what has become of my amendment?

The CHAIRMAN. The amendment of the gentleman from California [Mr. BIGGS] is not pending. It was read only for information, not being in order at that time. The gentleman will be recognized to offer it later. The Clerk will report the amendment offered by the gentleman from Kansas [Mr. ANDERSON].

The Clerk read as follows:

Provided, This appropriation shall not take effect until so ordered by the Fifty-second Congress.

The question was taken; and the Chairman announced that the noes seemed to have it.

On a division (demanded by Mr. ANDERSON, of Kansas) there were—ayes 71, noes 78.

Mr. ANDERSON, of Kansas. Tellers.

Tellers were ordered; and the Chair appointed Mr. ANDERSON, of Kansas, and Mr. BUTTERWORTH.

The committee again divided; and the tellers reported—ayes 58, noes 86.

So the amendment was rejected.

The CHAIRMAN. The gentleman from Kansas [Mr. KELLEY] offers an amendment, which the Clerk will read.

The Clerk read as follows:

Add to the amendment the following words:

"Provided, That all of said clerks provided for by this section to be appointed upon certification by the Civil Service Commission in the same manner as clerks are selected under the present civil-service laws for the classified service of the Government."

[Laughter.]

The CHAIRMAN. The question is on agreeing to this amendment.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. KERR, of Iowa. Division.

Pending the negative vote,

Mr. ROGERS said: Mr. Chairman, I desire to change my vote. I desire to vote on the pending vote, and I was standing when the other side was counted; the Chair counted me. I wish to be counted on this side.

The CHAIRMAN. On this question the ayes are 40, the noes 84; and the amendment is rejected. The gentleman from California [Mr. BIGGS] offers an amendment, which the Clerk will read.

The Clerk read as follows:

Amend section 2 by striking out, in lines 1 and 2, "as other employes of the House of Representatives," and insert in lieu thereof "out of the private funds of the members of Congress employing said clerks."

Mr. WALTER I. HAYES. I make the point of order against that.

Mr. BIGGS. Too late. [Laughter.]

The CHAIRMAN. This amendment is in order.

The question was taken, and the Chairman announced that the "noes" evidently had it.

Mr. BIGGS. Division.

The committee divided; and there were—ayes 34, noes 88.

So the amendment was rejected.

The CHAIRMAN. The question now recurs upon the amendment as proposed—

Mr. WILLIAMS, of Ohio. Mr. Chairman, I desire to suggest an amendment.

The CHAIRMAN. The gentleman must reduce it to writing.

Mr. BOUTELLE. Regular order. [Calls of "Read!"] Unless the gentleman has the services of a clerk it will take him too long.

The CHAIRMAN. The gentleman from Illinois [Mr. HILL] is preparing the amendment for the gentleman from Ohio.

Mr. SPINOLA. Get a clerk.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Iowa [Mr. WALTER I. HAYES] as amended by the amendment of the gentleman from Louisiana, which was adopted.

The question was taken, and the amendment was agreed to.

Mr. BUTTERWORTH. Mr. Chairman, I shall ask for a yea-and-nay vote on this in the House. That is the way to do it in a manly way.

Mr. LACEY. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out lines 6, 7, and 8, on page 8.

Mr. ANDERSON, of Kansas. Read them.

The Clerk read as follows:

For thirty clerks to Senators who are not chairmen of committees, at \$6 per day each during the session, \$38,340.

The question was taken and the amendment was rejected.

The Clerk read as follows:

For contingent expenses, namely: For stationery and newspapers, including \$4,500 for stationery for committees and officers of the Senate, \$15,500.

Mr. BRECKINRIDGE, of Kentucky. I would like the attention of the gentleman in charge of the bill. It is now 5 o'clock, and I would suggest to the gentleman from Ohio that the sundry civil bill has not passed the House, and it may be possible that there will be a yea-and-nay vote upon it.

Mr. BUTTERWORTH. I accept the suggestion of the gentleman, Mr. Chairman, and I move that the committee rise.

The Committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYSON, from the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13462), the sundry civil appropriation bill, and had directed him to report the same back with a favorable recommendation, with sundry amendments also favorably reported; and that the committee had also had before it the bill H. R. 13049 (the legislative, executive, and judicial appropriation bill), and had come to no resolution thereon.

The SPEAKER. The question is on the amendments to the sundry civil appropriation bill. If a separate vote is not demanded, the question will be taken on the amendments in gross.

Mr. HOLMAN. Mr. Speaker, I believe—

Mr. CANNON. Mr. Speaker, there is one amendment, I have forgotten the number, but it is that touching the survey of the public lands, increasing the amount to \$465,000. After consultation with the

gentleman who moved the amendment and others I ask unanimous consent that that amendment may be considered as pending at \$400,000. The amount recommended by the bill was \$300,000, but the amendment made increased it to \$465,000. I think everybody will be content, including the mover of the amendment, that it shall be passed at \$400,000.

The SPEAKER. Is there objection to adopting the amendment to the amendment reducing the amount from \$465,000 to \$400,000? [After a pause.] The Chair hears none, and it is so ordered. Is there any other amendment on which a separate vote is demanded? [After a pause.] The Chair hears none. The Clerk will report the amendments, and the vote will be taken on them in gross.

The amendments were read and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

FORTIFICATIONS BILL.

Mr. BREWER. Mr. Speaker, I am instructed by the Committee on Appropriations to report back the bill (H. R. 12499) making appropriations for fortifications and other works of defense with amendments of the Senate thereto, and I move that the House nonconcur in the amendments of the Senate and ask for a conference.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. BREWER, Mr. BUTTERWORTH, and Mr. SAYERS.

ARMY APPROPRIATION BILL.

Mr. CUTCHEON. Mr. Speaker, I am directed by the Committee on Military Affairs to report back the bill (H. R. 12573) making appropriation for the support of the Army, with the amendments of the Senate thereto, and I move that the House nonconcur in the Senate amendments and ask for a conference.

The SPEAKER. The question is upon the motion of the gentleman from Michigan, to nonconcur in the amendments of the Senate and ask for a conference.

Mr. HOLMAN. I understand that this is the army appropriation bill, Mr. Speaker.

The SPEAKER. It is the army appropriation bill.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, there are some of those amendments which I think the House would probably prefer to express an opinion about before the bill gets into the shape of a conference report, when we would be unable to take separate votes upon them. Therefore I think we had better have the amendments read to the House separately.

The SPEAKER. The Clerk will read the amendments.

The Clerk proceeded to read the amendments.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I suggest to the gentleman in charge of the bill that it is now ten minutes of 5 o'clock, very near our usual time for adjournment, and I think we had better take this up in the morning. In the mean time the amendments can be printed in the RECORD.

Mr. CUTCHEON. There are only about four of them that are at all material.

Mr. BRECKINRIDGE, of Kentucky. If the gentleman would consent to let them be printed in the RECORD and let the House adjourn now, I think we can get through with the bill in a few minutes in the morning.

Mr. CUTCHEON. I have no objection to that course.

Mr. BRECKINRIDGE, of Kentucky. Then, Mr. Speaker, I submit a request for unanimous consent that the amendments be printed in the RECORD, and that the bill be taken up in the House in the morning.

There was no objection; and it was so ordered.

The amendments of the Senate are as follows:

Page 6 of printed bill, lines 17, 18, and 19: Strike out proviso, as below:

"RETIRED OFFICERS."

"For pay of officers on the retired list and for officers who may be placed thereon during the current year, \$1,012,122.68: (1) [Provided no officer shall receive pay as an officer on the retired list while receiving a salary as a Government official.]"

Page 7, line 21: Amend so as to provide that when transportation can not be furnished by Quartermaster's Department for clerks of Pay Department, the expert accountant for Inspector General's Department, and contract surgeons traveling on duty, they shall be allowed the actual cost of the same exclusive of parlor car fare and transfers.

Page 7: Strike out "military commissions" from the paragraph fixing compensation of reporters and witnesses attending upon courts-martial.

Page 8: Add the following:

"(5) For additional pay to officer commanding military prison at Fort Leavenworth, Kans., \$500."

Page 8: Amend the following paragraph by inserting "from abroad," after "information:"

"For pay of a clerk attendant on the collection and classification of military information (6) from abroad, \$1,500; and the officers detailed to obtain the same shall be entitled to mileage and transportation, and also commutation of quarters, while on duty, as provided when on other duty."

Page 8: Amend the following by inserting, after "Department," the words "to be appointed by the Secretary of War:"

"For pay of one expert accountant for the Inspector General's Department, (7) to be appointed by the Secretary of War, \$2,500."

Page 8: In provision for mileage of officers when traveling on duty without troops when authorized by law, strike out "seventy-five" before "thousand" and insert "fifty."

Page 9: Change total "for pay and general expenses of the Army" from \$13,262,179 to \$13,227,679.19.

Page 11: Amend the following paragraph as indicated:

"QUARTERMASTER'S DEPARTMENT."

"Regular supplies: For the regular supplies of the Quartermaster's Department, consisting of stoves and heating apparatus, and repair and maintenance of the same, for heating (11) [officers'] barracks and quarters; of ranges and stoves (12) [and appliances] for cooking (13) [and serving food]; of fuel and lights for enlisted men, guards, hospitals, storehouses, and."

Page 11: Reduce amount which may be applied to payment of certain employees of Pay Department from \$20,000 to \$10,000.

Page 14: Under the head of "incidental expenses," after the words "and such additional expenditures as are necessary and authorized by law in the movement and operations of the Army," strike out the words "and at military posts."

Page 16: Under the head of "Army transportation," amend as indicated below:

"For procuring water (15) [and introducing the same into buildings] at such posts as from their situation require it to be brought from a distance; and for the disposal of sewage and drainage (16) [and for clearing roads, and for removing obstructions from roads, harbors, and rivers to the extent which may be required for the actual operation of troops in the field]."

Pages 16 and 17: Strike out the following proviso:

"Provided, That in expending the money appropriated by this act a railroad company which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road subject to the use of the United States for postal, military, naval, and all other Government service, and also subject to such regulations as Congress may impose, restricting the charges for such Government transportation having claims against the United States for transportation of any kind over such railroad, shall only be paid out of the moneys appropriated by the foregoing provision on the basis of not exceeding 50 per cent. of the compensation for such Government transportation as shall be charged to and paid by private parties to said company for like and similar transportation."

Page 17: Amend the following proviso by striking out "in all such cases:"

"Provided (18) further, That such compensation shall (19) [in all such cases] be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for such service."

Pages 17 and 18: Add the following:

"Provided further, That in expending the money appropriated by this act a railroad company which has not received aid in bonds of the United States and which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road subject to the use of the United States for postal, military, naval, and all other Government service, and also subject to such regulations as Congress may impose restricting the charges for such Government transportation, having claims against the United States for transportation of any kind over such railroad, shall only be paid out of the moneys appropriated by the foregoing provision on the basis of such rate for the transportation of troops and munitions of war as the Secretary of War shall deem just and reasonable under the foregoing provision, such rate not to exceed 70 per cent. of the compensation for such Government transportation as shall at the time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service."

Page 18: Change total under same head from "\$2,850,000" to "\$2,750,000."

Page 18: Strike out the following:

"Provided further, That not less than \$50,000 of said sums shall be used to begin the repair and reconstruction of Jefferson barracks, Missouri."

Page 19: Add the following:

"For the purchase by the Secretary of War of buildings erected at permanent army posts by private parties under proper authority, and which may be suitable and actually necessary for the army service, and at prices not exceeding such appraisement as may be made by a board of army officers detailed for the purpose by the Secretary of War, \$50,000."

Page 20: Increase total for "Clothing, camp, and garrison equipage" from \$150,000 to \$200,000.

Page 22: Under head "Engineer depot at Willels Point," strike out "bookbinders" and "clerk hire."

Page 20: In paragraph providing for purchase and repairs of instruments to be issued to officers of the Corps of Engineers, strike out "and to acting engineer officers."

Page 23: Change total under "Engineer Department" from \$28,500 to \$27,000.

Page 25: Insert the following:

"For the purchase of machine guns, musket caliber, of American manufacture, \$20,000."

Page 25: Amend paragraph "For expenses of recruiting and transportation of recruits from rendezvous to depot, including sending of recruiting parties to small towns," by adding the following: "and not exceeding \$1,200 of this amount may be used for payment of a clerk to the officer disbursing this appropriation."

Page 25: Increase total under head of "Signal Service" from \$5,000 to \$7,500.

Page 26: Under head of "Military telegraph lines" add the following:

"Provided, That the appropriations made by the two preceding paragraphs shall be disbursed by a bonded officer."

Amend paragraph "For contingent expenses of the Adjutant General's Department" by adding the following:

"Including one copy of some standard work on military law and courts-martial for each of one hundred and eight military posts, and police utensils."

Increase total in same paragraph from \$2,000 to \$3,000.

Page 26: Strike out the following:

"For contingent expenses Inspector General's Department: Contingent fund of Inspector General's Department at the headquarters of the several military divisions and departments, for the purpose of binding orders and the purchase of maps, books of reference, professional literature, desk furniture, stationery, and police utensils, \$1,000."

Pages 26, 27: Insert the following:

"For binding reports and orders and purchasing books of reference and maps for the Inspector General's Department, \$500."

ORDER OF BUSINESS.

Mr. McCOMAS. I move that the House do now adjourn.

Mr. FUNSTON. Mr. Speaker, I desire to present a privileged report.

Mr. McCOMAS. I withdraw the motion to adjourn.

AGRICULTURAL APPROPRIATION BILL.

Mr. FUNSTON, from the Committee on Agriculture, reported a bill (H. R. 13552) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1892, and for other purposes;

which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

Mr. BRECKINRIDGE, of Kentucky. I desire to reserve all points of order upon the bill.

The SPEAKER. All points of order are reserved.

ANTI-OPTION BILL.

Mr. DOLLIVER. Mr. Speaker, I ask unanimous consent to print in the RECORD a brief communication from the secretary of the National Farmers' Alliance convention.

There was no objection.

The following is the communication:

MOULTON, APPANOOSE COUNTY, IOWA, February 5, 1891.

I hereby certify that the following resolution was unanimously adopted by the eleventh annual convention of the National Farmers' Alliance, held at Omaha, January 27, 28, 29, 1891:

"Resolved, That we favor the passage of the Batterworth anti-option bill."
[SEAL.] AUGUST POST, Secretary.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 4474) to increase the pension of Edward H. Leib.

The message also announced the adoption of resolutions relative to the death of Hon. James Phelan, late a Representative from the State of Tennessee.

The message also announced that the Senate had passed the following resolution:

Resolved by the Senate (the House of Representatives concurring therein), That there be printed in pamphlet form, with cover, 15,000 extra copies of the report of the Committee on Foreign Relations in support of Senate bill 4827, to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," of which 5,000 shall be for the use of the Senate and 10,000 for the House of Representatives.

ENROLLED BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 11915) to ratify and confirm agreements with the Sac and Fox Nation of Indians and the Iowa tribe of Indians of Oklahoma Territory, and to make appropriations for carrying out the same; and

A bill (H. R. 13071) authorizing the construction of a railway, street-railway, motor, wagon, and pedestrian bridge over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebr.

M. A. FULTON, SILAS STAPLES, AND OTHERS.

Mr. BRICKNER. I ask unanimous consent for the present consideration of the Senate bill which I send to the desk.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, etc., That Albert B. Harris, D. C. Ketchum, O. P. Brown, Duncan McGregor, John O. Henning, Daniel Mears, James Keefe, Byron Brown, Herman Dodge, Inglebeth Svendsen, Silas Staples, M. A. Fulton, Peter Olson, Patrick Moore, Andrew Olson, William Wood, and the estates of John Dore, L. P. Wetherby, Samuel W. Fuller, S. P. Thornhill, Joel Foster, William Dalley, John Shaseby, James B. Gray, Sidney S. Starr, Philip S. Brady, Lorenzo Hendee, Peter F. Boucher, Robert Henry, Allen Dawson, Andrew Spellacy, J. M. Whaley, John Comstock, William Ryan, John Welch, Louis Massey, and John B. Page, be, and they are hereby, released from any and all liability to the United States as sureties upon the bond executed by them on the 7th of February, 1890, for the sum of \$200,000, by James D. Reymert as principal, as receiver of public moneys for the district of lands subject to sale at Hudson, Wis., and from the lien of the judgment entered against said sureties in behalf of the United States on said bond on the 2d of June, A. D. 1893, in the United States court for the district of Wisconsin, for \$8,400; and the Secretary of the Treasury is instructed to cause to be satisfied of record the said judgment: *Provided, however,* That nothing herein contained shall be construed as affecting in any manner the liability of said Reymert to the United States on said bond or the right of the United States to realize upon any security given by said Reymert in the premises.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HOLMAN. I think there ought to be some explanation of it. I have no objection to the bill coming before the House and the report being read, but after that is done I shall enter a motion that the House adjourn, and we can take up the bill some other time.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HOLMAN. I shall call for the reading of the report.

Mr. MCKINLEY. I move that the House do now adjourn.

The motion was agreed to; and the House accordingly (at 5 o'clock and 16 minutes p. m.) adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

INTERNATIONAL BUREAU FOR PUBLICATION OF CUSTOM TARIFFS.

Letter from the Acting Secretary of the Treasury, transmitting copies of communications from the Secretary of State and Belgian minister at

this Capital, in relation of the contribution of the United States to defray the expenses of the publication of custom tariffs—to the Committee on Appropriations.

ANNUAL REPORT SHOWING THE EMPLOYÉS OF NAVY DEPARTMENT.

Letter from the Acting Secretary of the Navy, transmitting a report showing the names of the employés of the Department, the time each was employed, and the sum paid to each—to the Committee on Expenditures in the Navy Department.

MEMORIALS AND RESOLUTIONS OF STATE LEGISLATURES.

Under clause 3 of Rule XXII, the following State memorials and resolutions were presented and referred as follows:

By Mr. JASON B. BROWN: Concurrent resolution of Indiana Legislature, urging passage of House bill 319 to pension ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. CLARK, of Wyoming: Memorial of the Legislature of the State of Wyoming, praying legislation to disarm the Indians and to prevent them from leaving their reservations without guard—to the Committee on Indian Affairs.

Also, memorial of the Legislature of the State of Wyoming, praying for the establishment of a wagon road from Fort Washakie to the Yellowstone National Park—to the Committee on Military Affairs.

Also, memorial of the Legislature of the State of Wyoming, praying legislation to extend the jurisdiction of the State courts over both civil and criminal causes arising on lands reserved by the United States commonly known as Government reservations—to the Committee on the Judiciary.

By Mr. PICKLER (by request): Memorial of the Legislature of South Dakota in favor of the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. SHIVELY: Joint resolutions of the Indiana Legislature in favor of the ex-prisoners-of-war bill—to the Committee on Invalid Pensions.

By Mr. STAHLNECKER: Joint resolution of the Legislature of the State of New York, favoring a bill now pending in Congress to prohibit the adulteration of food and malt liquors—to the Committee on Agriculture.

Also, joint resolution of the Legislature of the State of New York, favoring a bill in Congress or a law covering the same, enabling the several States to enforce the State laws in relation to the sale of oleomargarine—to the Committee on Agriculture.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolutions were introduced and referred as follows:

By Mr. DINGLEY:

Resolved, That paragraph 2 of Rule XXI be amended by adding at the end the following:

"Provided, That it shall be in order to move to amend a general appropriation bill with any public bill which has passed the House and been sent to the Senate, and has not been returned from the Senate favorably or adversely acted upon by that body within six months from the time of the passage of the bill by the House;"

to the Committee on Rules.

By Mr. DINGLEY:

Amendment to the resolution submitted by Mr. TOWNSEND, of Colorado, providing for an amendment of Rule IX, referred to the Committee on Rules February 7, 1891, by adding at the end of said resolution the following:

"And provided further, That whenever any general appropriation bill is under consideration in the House or in the Committee of the Whole House on the state of the Union it shall be in order to move as an amendment thereto any public bill which has passed the House and been sent to the Senate, and has not been returned from the Senate favorably or adversely acted upon by said body within six months from the time of its passage by the House;"

to the Committee on Rules.

By Mr. LAWLER:

Resolved, That 3,000 copies of the Digest and Manual for the present session be printed for the use of the House;

to the Committee on Printing.

By Mr. LODGE:

Resolved, That section 2, Rule III, be amended by inserting in line 1, before the word "He," the following words: "He shall make and cause to be printed the Journal of each day's proceedings, and shall furnish a copy thereof to each member of the House before the opening of the session of the next legislative day;" and that section 1, Rule I, be amended so that it shall read: "cause the Journal of the preceding week to be read at a special session to be held for that purpose on the evening of Saturday of each week, when the Journal shall be open for approval and amendment, but such session shall not be held unless demanded by one or more members, and it shall be the duty of the Speaker to examine and approve the Journal of each day before it is furnished in printed form to the members on each legislative day;"

to the Committee on Rules.

By Mr. WALKER, of Massachusetts:

Resolved, That Rule XXIV of the rules of the House be amended by adding as paragraph 7 the following words:

"The business of the House shall proceed under the rules in the order indicated in the Calendar, unless changed by order of the House; and when any change of the position on the Calendar of any matter is made by order of the House, no action shall be taken on that matter until a Calendar showing such change shall be printed; and no matter the position of which has been changed

on the Calendar shall be acted upon until the edition of the Calendar showing the change has been printed and in possession of the House for twenty-four hours;"

to the Committee on Rules.

By Mr. CALDWELL:

Whereas it appears from numerous petitions and communications received from Grand Army posts and pensioners that proper consideration is not given to lay testimony, as is shown by the frequent calls for evidence by incompetent examiners from the Pension Office, whereby great injustice is done claimants:

Be it resolved, That the Secretary of the Interior and the Commissioner of Pensions report fully to the House of Representatives what rules of evidence are recognized by the office which govern examiners in the adjudication of pension claims, and also that he state what is the force and effect given to lay testimony when unsupported by medical or record testimony;

to the Committee on Invalid Pensions.

By Mr. WALKER:

Resolved, That Rule III of the Rules of the House be amended by adding as paragraph 4 the following words: "He shall cause to be printed the Calendars of the House;"

to the Committee on Rules.

By Mr. GREENHALGE:

Resolved, That Rule XLV be amended by adding at the end thereof the following clause:

"That in the consideration by the House of bills for the erection of public buildings, by suspension of the rule or by unanimous consent or otherwise than in regular order, priority shall be given to bills for the erection of such buildings in places where the gross postal receipts are the largest as compared with other bills upon either of the House Calendars;"

to the Committee on Rules.

By Mr. WALKER:

Resolved, That section 1 of Rule I of the Rules of the House be amended by adding the following words:

"Provided, That the names of members voting on a yea-and-nay vote, and list of petitions, memorials, and other papers introduced under Rule XXII, shall not be read except by general consent;"

to the Committee on Rules.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. WILLIAMS, of Ohio, from the Committee on Military Affairs, reported with amendment the bill of the House (H. R. 8057) to remove the charge of desertion standing against the name of Ebenezer F. Woodworth, accompanied by a report (No. 3739)—to the Committee of the Whole House.

Mr. HEMPHILL, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 12689) to amend an act entitled "An act to amend the general incorporation law of the District of Columbia," approved May 17, 1882, reported, as a substitute therefor, a bill (H. R. 13534) to amend an act entitled "An act to amend the general incorporation laws of the District of Columbia," approved May 17, 1882; which was read twice, and, accompanied by a report (No. 3740), referred to the House Calendar.

Mr. DE LANO, from the Committee on Pensions, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 11857) granting a pension to Collin McClelland. (Report No. 3741.)

A bill (H. R. 13460) for the relief of George Harlan. (Report No. 3742.)

Mr. DOLLIVER, from the Committee on Naval Affairs, reported favorably the bill of the Senate (S. 4212) for the relief of Henry E. Rhodes, accompanied by a report (No. 3743)—to the Committee of the Whole House.

Mr. JOSEPH D. TAYLOR, from the Select Committee on the Alcoholic Liquor Traffic, reported with amendment the bill of the House (H. R. 12025) to prohibit the importation, exportation, and interstate transportation of alcoholic beverages, and for other purposes, accompanied by a report (No. 3744)—to the House Calendar.

Mr. JOSEPH D. TAYLOR also, from the Select Committee on the Alcoholic Liquor Traffic, reported favorably the joint resolution of the House (H. Res. 62) proposing an amendment to the Constitution of the United States, in relation to the manufacture, importation, exportation, transportation, and sale of alcoholic liquors, accompanied by a report (No. 3745)—to the House Calendar.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. TAYLOR, of Illinois: A bill (H. R. 13531) to increase the salaries of local appraisers of merchandise at certain ports—to the Committee on Ways and Means.

By Mr. TUCKER: A bill (H. R. 13532) for the erection of a public building at Basic City, Va.—to the Committee on Public Buildings and Grounds.

By Mr. VANDEVER: A bill (H. R. 13533) to prevent unnaturalized persons from making final proof or obtaining title to any of the public lands under any existing land laws—to the Committee on the Public Lands.

By Mr. GEARY: A bill (H. R. 13535) for the free coinage of silver produced in the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. OATES: A bill (H. R. 13551) to define and punish blackmailing—to the Committee on the Judiciary.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. CONNELL: A bill (H. R. 13536) granting a pension to Mary Murray—to the Committee on Pensions.

By Mr. FLOOD: A bill (H. R. 13537) to increase the pension of Sarah Jane Mills, widow of William Mills, late captain Company A, Second Infantry, United States Army—to the Committee on Invalid Pensions.

By Mr. GOODNIGHT: A bill (H. R. 13538) for relief of John R. Harvey, of Bristow, Ky.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13539) for the benefit of Hardin Roberts, of Illwill, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 13540) for the relief of the heirs of Bennett B. Swaney—to the Committee on Military Affairs.

By Mr. EDWARD R. HAYS: A bill (H. R. 13541) increasing the pension of Capt. James P. Roach to \$100 per month—to the Committee on Invalid Pensions.

By Mr. LANE: A bill (H. R. 13542) for the relief of the legal representatives of Nancy J. Williamson, deceased—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 13543) for the relief of the widow of Julius Kinchelee, who lost his life in the United States Coast Survey Service, while engaged in the survey of Tillamook Bay, on the coast of Oregon—to the Committee on Commerce.

By Mr. MCKINLEY: A bill (H. R. 13544) granting a pension to Sarah E. Brown—to the Committee on Invalid Pensions.

By Mr. NORTON: A bill (H. R. 13545) for the relief of Thomas E. Breckenridge, late Company A, California Battalion, Mexican war—to the Committee on Pensions.

By Mr. O'DONNELL: A bill (H. R. 13546) granting a pension to Benjamin H. Skinner—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 13547) granting a pension to Hettie C. Constant, of Kansas—to the Committee on Invalid Pensions.

By Mr. RANDALL: A bill (H. R. 13548) granting a pension to David P. Caswell—to the Committee on Pensions.

By Mr. RUSK: A bill (H. R. 13549) to place on the retired list as ensign John Curlett—to the Committee on Naval Affairs.

By Mr. GOODNIGHT: A bill (H. R. 13550) for the relief of L. A. Waggoner, of Burksville, Ky.—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Protest by members of the Board of Trade of Chicago, against further legislation in regard to silver—to the Committee on Coinage, Weights, and Measures.

Also, tabular statement in connection with House bill 13509 to authorize appointment of assistant appraisers at Chicago—to the Committee on Ways and Means.

By Mr. ANDREW: Remonstrance of the Massachusetts Reform Club, against the free coinage of silver—to the Committee on Coinage, Weights and Measures.

By Mr. BAKER: Petition of the members of Hand-Sewed Union, No. 22, of Rochester, N. Y., embracing 381 members, in favor of woman's suffrage constitutional amendment being submitted to the people; Joseph Bauer, president; Joseph F. Spencer, secretary—to the Committee on the Judiciary.

By Mr. BROOKSHIRE: Petition signed by Elijah Brothers and 40 others of Vermillion County, Indiana, praying passage of House bill 5353 concerning options and futures—to the Committee on Agriculture.

By Mr. CANDLER, of Massachusetts: Three petitions of vessel captains engaged in the coastwise trade for a harbor of refuge in Lynnhaven Bay, near Cape Henry, Virginia; also, of transportation companies engaged in the coastwise trade, for the same improvement—to the Committee on Rivers and Harbors.

By Mr. CHEADLE (by request): Petition of Josiah M. Stanley, Company I, Ninety-ninth Indiana Volunteers—to the Committee on War Claims.

By Mr. CHIPMAN: Petition of citizens of Detroit, Mich., for a change and improvement in spelling the English language in the works published by the Government—to the Committee on Printing.

By Mr. COMSTOCK: Petition of D. Holmes and many citizens of Duluth, Minn., asking increase of compensation of keepers of life-saving stations—to the Committee on Commerce.

By Mr. CRAIG: Resolution of Mardin Council No. 182, Junior Order United American Mechanics, favoring legislation restricting foreign immigration—to the Select Committee on Immigration and Naturalization.

By Mr. CULBERTSON, of Pennsylvania: Petition of citizens of Erie County, Pennsylvania, favoring the option bill (H. R. 5353)—to the Committee on Agriculture.

By Mr. DOLLIVER: Petition of 15 citizens of Kossuth County, Iowa, favoring the Torrey bankruptcy bill—to the Committee on the Judiciary.

Also, two petitions of 12 citizens of Palo Alto County, Iowa; also, of 30 citizens of Winnebago County, Iowa; also, of Le Grand Alliance, No. 1202, of same county and State; also, of Union Farmers' Alliance No. 1884, of Angus, Boone County, Iowa; also, of 24 citizens of the same place, in favor of option bill—to the Committee on Agriculture.

By Mr. EVANS: Petition of 63 posts of the Grand Army of the Republic in Tennessee, and 38 department commanders of the Grand Army of the Republic, asking the donation of a lot for Memorial Hall at Chattanooga, Tenn.—to the Committee on Military Affairs.

Also, petitions of 38 Grand Army of the Republic departments, asking that a home for disabled soldiers be established at Chattanooga and Chickahominy National Park as provided in House bill 12653—to the Committee on Military Affairs.

By Mr. FORMAN: Petition of citizens of Madison County, Illinois, favoring passage of House bill 5353, to prevent dealing in options and futures; also, of members of Farmers' Mutual Benefit Association, Lodge 4307, of the same county and State, for the same measure—to the Committee on Agriculture.

Also, petition of citizens of the same county and State, in favor of the Paddock pure-food bill—to the Committee on Agriculture.

By Mr. GEST: Petition of citizens of Warren County, Illinois, for passage of the Torrey bankruptcy bill—to the Committee on the Judiciary.

By Mr. WALTER I. HAYES: Petition of citizens of Oasis, Johnson County, Iowa, in favor of option bill—to the Committee on Agriculture.

By Mr. KELLEY: Petitions of 258 soldiers of Burnside Post, Grand Army of the Republic, Department of Kansas, giving the company and regiment of each soldier, asking for the passage of the bill introduced by Mr. KELLEY, of Kansas, providing for the payment to the soldiers of the difference between the money received in payment of army services and its coin value at time of payment—to the Committee on Invalid Pensions.

Also, resolutions of Farmers' Mutual Benefit Association, of Hall's Summit, Kans., J. M. Young, president, and Alexander Tiltford, secretary, in favor of the farmers' antioption bill (H. R. 5353), defining options and futures, and imposing special tax on dealers therein—to the Committee on Agriculture.

By Mr. LANE: Petition of Bingham Lodge, Farmers' Mutual Benefit Association, No. 1499, of Fayette County, Illinois, in favor of silver coinage—to the Committee on Coinage, Weights, and Measures.

By Mr. McCLELLAN: Resolutions of Farmers' Alliance No. 1, of La Grange County, Indiana, demanding that the Senators and Members of the House of Representatives from Indiana actively support the option bill and speedily secure its final passage—to the Committee on Agriculture.

By Mr. MCKINLEY: Petition of citizens of Ohio, favoring passage of the Butterworth bill—to the Committee on Agriculture.

By Mr. MARTIN, of Indiana: Petition of I. L. Williams, R. J. McClain, and 43 others, citizens of Jay County, Indiana, and Fiat Lodge, 3724, Farmers' Mutual Benefit Association, for legislation as follows, to wit: To prevent gambling in farm products; for a service pension; for the repeal of the limitation of arrears of pensions; for free coinage of silver; for a graduated income tax; for increasing the money circulation to \$50 per capita; to prohibit adulteration of food; for the issue of more greenbacks, and for the election of United States Senators by direct vote of the people—to the Committee on Agriculture.

By Mr. NORTON: Two petitions of citizens of Lincoln County, Missouri, asking Congress for appropriation of money for complete system of levees on the Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Levees and Improvements of the Mississippi River.

Also, petition of C. H. Hardin and 155 others, citizens of Mexico, Audrain County, Missouri, asking the passage of the resolution concerning the treatment of the Jews in Russia, introduced by Hon. AMOS J. CUMMINGS—to the Committee on Foreign Affairs.

By Mr. O'NEILL, of Pennsylvania (by request of Mr. REED, of Maine): Resolutions of the Scranton Board of Trade, remonstrating against the passage of the Senate free-coinage bill—to the Committee on Coinage, Weights, and Measures.

By Mr. RANDALL: Resolutions of Massachusetts Reform Club—to the Committee on Reform in the Civil Service.

By Mr. RAY: Resolution adopted by Miller Council, Junior Order United American Mechanics, of Indian Head, Pa., favoring the restriction of immigration—to the Select Committee on Immigration and Naturalization.

By Mr. STAHLNECKER: Petition of the president, secretary, and executive committee of the Laundrymen's National Association of America, relative to the Chinese exclusion act—to the Committee on Foreign Relations.

By Mr. TARSNEY: Memorial of the Commercial Club of Kansas City, Mo., in relation to the census—to the Select Committee on the Eleventh Census.

Also, memorial of the same organization, in favor of abolishing the distinction between third and fourth class mail matter and consolidating the same into one class, to be known as third class—to the Committee on the Post Office and Post Roads.

By Mr. EZRA B. TAYLOR: Petition of L. M. Bancroft and 30 others, citizens of Nelson, Portage County, Ohio; also, resolutions of the Farmers' Alliance of the same county and place, in favor of the option bill—to the Committee on Agriculture.

By Mr. TOWNSEND, of Colorado: Petition of citizens of Wetmore, Colo., for the free and unlimited coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, petition of comrades of the Grand Army of the Republic and veterans of the late war now residing in Colorado, for the erection in the city of Washington of a monument to the memory of the late Admiral Dahlgren and Col. Ulrich Dahlgren—to the Committee on the Library.

By Mr. WILLIAMS, of Illinois: Affidavit in support of claim of Mary Woodruff—to the Committee on Pensions.

By Mr. WILSON, of Washington: Petition of 35 citizens of Whitman County, Washington; also, of 21 citizens of Douglas County, Washington; also, resolutions of Onecho Alliance, No. 44, praying the passage of House bill 5353, defining options—to the Committee on Agriculture.

SENATE.

TUESDAY, February 10, 1891.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of the Treasury, transmitting, in compliance with resolutions of the 10th and 12th ultimo, reports of Special Treasury Agent Charles J. Goff and Assistant Treasury Agents A. W. Lavender, S. R. Nettleton, and Joseph Murray, concerning the condition of affairs in the Seal Islands of Alaska relating to the fur-seal fisheries for the year 1890; which, on motion of Mr. FRYE, was, with the accompanying papers, referred to the Committee on Commerce, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 12499) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BREWER, Mr. BUTTERWORTH, and Mr. SAYERS managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 13462) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1892, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice President:

A bill (H. R. 11915) to ratify and confirm agreements with the Sac and Fox Nation of Indians and the Iowa tribe of Indians of Oklahoma Territory, and to make appropriations for carrying out the same; and

A bill (H. R. 13071) authorizing the construction of a railway, street-railway, motor, wagon, and pedestrian bridge over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebr.

FORTIFICATIONS APPROPRIATION BILL.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives nonconcurring in the amendments of the Senate to the bill (H. R. 12499) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and requesting a conference on the disagreeing votes of the two Houses thereon.

Mr. DAWES. I move that the Senate insist on its amendments and accede to the request of the House of Representatives for a conference.

The motion was agreed to.

By unanimous consent, the Vice President was authorized to appoint the conferees on the part of the Senate; and Mr. DAWES, Mr. PLUMB, and Mr. GORMAN were appointed.